

MINNEAPOLIS CITY COUNCIL OFFICIAL PROCEEDINGS

REGULAR MEETING OF November 7, 2008

(Published November 15, 2008, in *Finance and Commerce*)

Council Chamber

350 South 5th Street

Minneapolis, Minnesota

November 7, 2008 - 9:30 a.m.

Council President pro tem Lilligren in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Hofstede, Ostrow, Colvin Roy, Glidden, Remington, President pro tem Lilligren.

Absent - Council Members Schiff, Benson, President Johnson.

Colvin Roy moved adoption of the agenda. Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Hodges, Schiff, Benson, Johnson.

Colvin Roy moved acceptance of the minutes of the regular meeting and the adjourned session of October 24, 2008. Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Hodges, Schiff, Benson, Johnson.

Colvin Roy moved referral of petitions and communications and reports of the City officers to the proper Council committees and departments. Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

PETITIONS AND COMMUNICATIONS

COMMUNITY DEVELOPMENT:

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273107)

Minneapolis Advantage Program: Report on demonstration phase.

COMMUNITY DEVELOPMENT (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273108)

Land Sales:

3343 Fremont Ave N, to a qualified Home Ownership Works Program purchaser;

929 - 3rd Ave SE, to Twin Cities Habitat for Humanity, Inc.

Classification of Tax Forfeited Land: Classifying properties as non-conservation, conveyance of Hennepin County property to the City, rescinding release of 2808 Washington Ave N, placing properties on hold for CPED.

2009 Low Income Housing Tax Credits: Preliminary reserve of Year 2009 credits for Lowry Apartments, Creekside Commons, Clare Midtwon & PPL Near North projects.

COMMUNITY DEVELOPMENT and TRANSPORTATION & PUBLIC WORKS and W&M/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273109)

Bassett Creek Valley Exclusive Development Rights (re City-owned property in Linden Yards & Impound Lot): Recommendations relating to exclusive development rights with Ryan Companies.

COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET (See Rep):

COMMUNITY PLANNING & ECONOMIC DEVELOPMENT (273110)

Hollywood Theatre Redevelopment Plan (2800, 2815 & 2819 Johnson St NE).

Environmental Remediation Grant Applications, Fall 2008: Supporting the University of Minnesota's application to Hennepin County environmental Response Fund for Como Student Community Cooperative; Authorizing application to Metropolitan Council Metropolitan Livable Communities Fund Tax Base Revitalization Account for Soo Line Building project.

NEIGHBORHOOD REVITALIZATION PROGRAM (NRP) (273111)

East Phillips Park NRP: Approval of use of Hennepin County "Second 7.5%" NRP Funds.

PUBLIC SAFETY AND REGULATORY SERVICES:

ATTORNEY (273112)

Pledge to Reduce Domestic Violence and Workplan: Update report.

PUBLIC SAFETY AND REGULATORY SERVICES (See Rep):

LICENSES AND CONSUMER SERVICES (273113)

Tickles Food and Bar (1032 3rd Av NE): Grant On-Sale Liquor Class D with Sunday Sales License, with conditions.

Bootleggers (323 1st Av N): Grant On-Sale Liquor Class A with Sunday Sales License, with conditions.

Interact Center (212 3rd Av N): Grant Theater Zone II License, with conditions.

Licenses: Applications.

REGULATORY SERVICES (273114)

2008 Special Assessment Levies: Approve maximum levy amounts for Removal of Offensive Matter (rubbish, weeds, hazardous trees, and brush and plant growth); Inoperable Vehicle Tow Administrative Fees; Unpaid Administrative Citations; Emergency demolition of the property; Building Demolition; Vacant/Boarded Housing Registrations; Re-inspection Fee; Securing of Buildings (Police Board Up); Securing Abandoned Buildings; Unpaid Administrative Citations; and Tenant Remedy Act; Authorize to continue receiving pre-payments until December 1, 2008; and Direct the Director of Hennepin County Taxation Department to place assessments against certain properties to defray the cost of work performed under authorization of Regulatory Services to correct nuisance or hazardous conditions on properties.

REGULATORY SERVICES (273115)

Chapter 249 Properties: Authorize demolition for 1406 Fremont Av N; 3229-31 4th St N; 3315 6th St N.

REGULATORY SERVICES (273116)

Rental Dwelling License at 627 Russell Av N: Revoke license held by Gary L. Holgren.

REGULATORY SERVICES (273117)

Taxicab Vehicle Licenses: Authorize grant 45 new vehicle licenses as non-transferable licenses to Airport Taxi; Twin City Airport; Sky bird Taxi; Checker Taxi; AAA Taxi; Minneapolis Taxi; North Star Taxi; and Gold Star Taxi.

Emergency Preparedness Loan Program: Execute Joint Powers Agreement with other jurisdictions to allow sharing of grant-funded supplies and equipment.

PUBLIC SAFETY AND REGULATORY SERVICES and WAYS & MEANS/BUDGET (See Rep):

ATTORNEY (273118)

Restorative Justice Programs: Issue Request for Proposals.

POLICE DEPARTMENT (273119)

Emergency Medical Services: Execute agreement with Hennepin County Medical Center for training and services provided during Republican National Convention, with the City to request reimbursement from the City of St. Paul.

TRANSPORTATION AND PUBLIC WORKS (See Rep):

PUBLIC WORKS AND ENGINEERING (273120)

50th St W and France Ave S Parking Facility: Assessment public hearing.

Lyn/Lake Municipal Parking Lot: Assessment public hearing.

Critical Traffic and Parking Area: 2800 block of Pleasant Ave S.

Draft 2030 Transportation Policy Plan Update: Comments.

TRANSPORTATION AND PUBLIC WORKS and WAYS & MEANS/BUDGET:

COMMUNICATIONS (273121)

LaBreche, LLC: Marketing contract for Minneapolis tap water.

PUBLIC WORKS AND ENGINEERING (273122)

Lease of 707 7th St N: 18 month lease with Weisman Investment Co.

Bids: a) OP 7032, Custom Products and Services, Inc., for snow removal in South Hennepin Special Service District; b) OP 7034, Custom Products and Services, Inc., for snow removal in Uptown Special Service District; and c) OP 7036, Ferguson Enterprises, Inc., d/b/a Northern Water Works Supply, for gate valves.

WAYS AND MEANS BUDGET:

FINANCE DEPARTMENT (273123)

2008 Financial Status Report: 3rd Quarter.

POLICE DEPARTMENT (273124)

November 2008 Monthly Budget Status Report.

WAYS AND MEANS BUDGET (See Rep):

ATTORNEY (273125)

Legal Settlement: Demetri D. Buford v. City of Minneapolis.

BUSINESS INFORMATION SERVICES (BIS) (273126)

Unisys Managed Service Contract: Amend contract C-25200 to provide upgraded laptops to the Regulatory Services Department.

COMMUNICATIONS (273127)

December 2008 Utility Billing Insert: Explaining Local Use Tax as required by State law.

REGULATORY SERVICES (273128)

Neighborhood Stabilization Program: Amend City's Fiscal Year 2008 Consolidate Plan; and updating CDBG Schedule 4.

ZONING AND PLANNING (See Rep):

PLANNING COMMISSION/DEPARTMENT (273129)

Moratorium Waiver Request:

1120 8th Street SE: Waiver from "University District" Moratorium to allow new construction of a single family home.

Ordinance Passage:

Amending Title 21, to add Chapter 586 providing a moratorium on reception, banquet, rental and meeting halls.

Amending Title 21, to add Chapter 587 providing a moratorium on principal parking facilities in area bounded by Chicago Ave, Midtown Greenway, 31st St E, and Hiawatha Ave.

Amending Title 20, Chapters 521, 535, and 551 to establish an Airport Overlay District.

Rezoning:

Powderhorn Park Neighborhood Association (821 35th St E): Approve rezone to OR1.

StreetWerks (1307 Glenwood Ave): Deny rezone to I2.

Sabathani Community Center (310 E 38th St): Approve rezone to OR2.

UNFINISHED BUSINESS (See Rep):

PUBLIC WORKS AND ENGINEERING (273130)

Chicago Ave Layout: 14th St E to 25th St E and 26th St E to 28th St E.

The following reports were signed by Mayor Rybak on November 10, 2008, unless noted otherwise. Minnesota Statutes, Section 331A.01, Subd 10, allows for summary publication of ordinances and resolutions in the official newspaper of the city.

REPORTS OF STANDING COMMITTEES

The COMMUNITY DEVELOPMENT Committee submitted the following reports:

Comm Dev - Your Committee recommends passage of the accompanying resolution authorizing sale of the property at 3343 Fremont Ave N to a qualified Home Ownership Works (HOW) Program purchaser for the estimated fair market value of \$145,000, subject to the following conditions:

- a) Land sale closing must occur on or before 60 days from date of offer acceptance; and
- b) Payment of holding costs of \$150 per month from the date of offer acceptance to the date of closing if land sale closing does not occur on or before 60 days from date of offer acceptance.

The sale conditions may be waived or amended with the approval of the Director of the Department of Community Planning & Economic Development.

Your Committee further recommends approval of a second mortgage affordability loan in accordance with the HOW Program guidelines of not more than \$30,000 for the purchaser if necessary.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-481, authorizing sale of land Homeownership Works Program Disposition Parcel No HOME-68 at 3343 Fremont Ave N, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-481

By Goodman

Authorizing sale of land Homeownership Works Program Disposition Parcel No HOME-68 at 3343 Fremont Ave N.

Whereas, the City of Minneapolis, hereinafter known as the City, has adopted Home Ownership Works Program Guidelines pursuant to which the City purchases residential properties that are renovated or upon which a new home is constructed which is then offered for sale to target buyers under the program; and

Whereas, the City has acquired Parcel HOME-68, in the HOW/HOME Program upon which the existing home was renovated or a new home was constructed, the Parcel HOME-68, being the following described land situated in the City of Minneapolis, County of Hennepin, State of Minnesota to wit:

LEGAL DESCRIPTION of HOME-68; 3343 Fremont Avenue North: Lot 3, Block 3, Silver Lake Addition to Minneapolis; Abstract Property; and

Whereas, the City has had the fair market value reviewed by an appraisal expert, stating that the fair market value opinion is consistent with accepted methods in aiding the City in determining market value for the Parcel; and

Whereas, pursuant to due notice thereof published in *Finance and Commerce* on October 17, 2008, a public hearing on the proposed sale was duly held on November 7, 2008 at the regularly scheduled Community Development Committee meeting of the City Council, at the Minneapolis City Hall, 350 South 5th Street, Room 317, at 1:30 p.m., in the City of Minneapolis, County of Hennepin, State of Minnesota;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the fair market value in accordance with the City's Homeownership Works Program, as amended, is hereby estimated to be the sum of \$145,000 for Parcel HOME-68.

Be It Further Resolved that the sale of the parcel pursuant to the Home Ownership Works Program is hereby determined to be in accordance with the City's approved Department of Community Planning & Economic Development (CPED) disposition policy.

Be It Further Resolved that the sale of the parcel is hereby approved, subject to the execution of a contract for the sale of land consistent with the Home Ownership Works Program Guidelines and further subject to the following conditions; 1) land sale closing must occur on or before 60 days from the date of offer acceptance and 2) payment of holding costs of \$150.00 per month from the date of approval of this Resolution if the land sale closing does not occur on or before 60 days from the date of offer acceptance.

Be It Further Resolved that the sale conditions described above may be waived or amended with the approval of the CPED Director.

Be It Further Resolved that upon publication of this Resolution, the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a contract to a qualified Purchaser; provided, however, that this Resolution does not constitute such a contract and no such contract shall be created until executed by the Finance Officer or other appropriate official of the City.

Be It Further Resolved that the Finance Officer or other appropriate official of the City is hereby authorized to execute and deliver a conveyance of the land to a qualified Purchaser in accordance with the provisions of the executed contract and upon payment to the City for the purchase price thereof; provided, however, that this Resolution does not constitute such a conveyance and no such conveyance shall be created until executed by the Finance Officer or other appropriate official of the City.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Comm Dev - Your Committee forwards without recommendation consideration of passage of the accompanying resolution authorizing sale of the City-owned real property at 929 - 3rd Ave NE to Twin Cities Habitat for Humanity, Inc for \$79,650 for development of the Old Third Avenue Townhomes Project, contingent on the developer including additional improvements as outlined as Exhibit "A" in the Department of Community Planning & Economic Development staff report.

Goodman moved that the report be postponed. Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

Comm Dev - Your Committee recommends passage of the accompanying resolution -

a) Classifying all properties listed in the resolution as non-conservation land;

b) Conveying one Hennepin County tax-forfeited property to the City of Minneapolis for the fair market value as agreed to by both parties, utilizing the deferred payment option as outlined in the Memorandum of Understanding between the two governmental entities;

c) Rescinding the release of the property located at 2808 Washington Ave N approved by the City Council on 9/26/2008 and approving conveyance of said parcel to the City of Minneapolis for the fair market value as agreed to by both parties, utilizing the deferred payment option as outlined in the Memorandum of Understanding between the two governmental entities;

d) Placing two Hennepin County tax-forfeited properties on hold for six months for the Department of Community Planning & Economic Development; and

e) Authoring the Mayor and the City Clerk to sign an application(s) for title registration which will be filed pursuant to Minnesota Statutes 508.03(6).

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-482, approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-482
By Goodman

Approving the classification of certain forfeited land located in the City of Minneapolis, Hennepin County, Minnesota, as non-conservation and the conveyance thereof.

Whereas, the City Council of the City of Minneapolis, Hennepin County, Minnesota, has been advised by the County of Hennepin, Minnesota, that certain parcels of land in said City have become the property of the State of Minnesota under the provision of law declaring the forfeiture of lands to the State for nonpayment of taxes;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the parcels listed below which have not already been designated as non-conservation land be designated as such, and that all the properties listed below be withheld from public and private sale and conveyed to the City of Minneapolis/Department of Community Planning & Economic Development (CPED):

<u>PID Number</u>	<u>Address</u> <u>Target</u> <u>Lot Size</u>	<u>Ward</u>	<u>Date Of</u> <u>Forfeit</u>	<u>Zoning</u> <u>Current Use</u>	<u>Legal Description</u>
27-029-24-33-0902	301 Clifton Avenue #G45 Yes IRREGULAR.	7	07/10/08	DP OR3 – SH Condo Garage	CIC NO. 1206 301 CLIFTON PLACE CONDOMINIUM GAR UNIT G45
10-029-24-34-0052 (Deferred payment option)	2808 Washington Ave N Yes 55x144	3	5/22/08	I2 Occupied Industrial Building	EX ALLEY LOT 008 BLOCK 028 MORRISONS ADDITION TO NORTH MINNEAPOLIS

Be It Further Resolved that the parcels listed below are designated as non-conservation land, and that all the properties listed below are withheld from sale for six months:

NOVEMBER 7, 2008

<u>PID Number</u>	<u>Address</u> <u>Target</u> <u>Lot Size</u>	<u>Ward</u>	<u>Date Of</u> <u>Forfeit</u>	<u>Zoning</u> <u>Current Use</u>	<u>Legal Description</u>
16-029-24-24-0078	1400 West Broadway Yes 25X140=3,250 sq. ft.	5	08/21/08	C1 Vacant Commercial Building	COM AT SE COR OF LOT 6 THENCE N ON E LINE 93 95/100 FT THENCE W 14 FT THENCE S TO S LINE OF SAID LOT THENCE SELY TO BEGINNING INCL ADJ PORTION OF ALLEY VAC EX PART TAKEN FOR ALLEY LOT 006 BLOCK 016 "FOREST HEIGHTS"
16-029-24-24-0211	1404 West Broadway Yes 80X105X75X135 = 9,038 sq. ft.	5	08/21/08	C1 Vacant Commercial Land	LOT 5 AND W 1/2 OF LOT 6 BLOCK 016 "FOREST HEIGHTS"

Be It Further Resolved that the parcels listed below are designated as non-conservation land, and that all the properties listed below are released for public auction.

<u>PID Number</u>	<u>Address</u>	<u>Ward</u>	<u>Date Of</u> <u>Forfeit</u>	<u>Zoning</u> <u>Current Use</u>	<u>Legal Description</u>
10-028-24-14-0038	4028 5th Avenue S	8	07/10/08	R1A Occupied Single Family	LOT 008 BLOCK 002 PORTLAND PARK ADDITION TO MINNEAPOLIS
34-029-24-21-0151	2115 Pillsbury Ave #3	6	07/10/08	R5 Vacant Condo	CIC NO. 1127 D.C., 2115 PROPERTIES UNIT NO. 3
14-029-24-13-0043	1331 Washington St NE	1	07/10/08	R2B Occupied Duplex	LOT 026 BLOCK 006 MCMILLAN'S ADDITION TO MINNEAPOLIS
04-28-24-42-230	3409 Emerson Ave S #5	10	07/24/08	R4 Vacant Condo (Furnace Room)	CIC NO. 1247 3409 EMERSON AVENUE SOUTH CONDOMINIUM UNIT NO 5

21-029-24-24-0151	807 Irving Ave North	5	07/24/08	R4 Vacant Land	LOT 002 BLOCK 002 EIGHTH AND IRVING ADDITION
35-029-24-21-0020	813 21st St East	6	07/24/08	NP R4 Vacant Land Apartment	W 50 FT LOT 001 BLOCK 001 CLARK'S ADDITION TO MINNEAPOLIS
11-028-24-33-0167	4533 Park Avenue	8	08/07/08	R1A Occupied Single Family	LOT 022 BLOCK 007 AUDITOR'S SUBDIVISION NO. 257 HENNEPIN COUNTY, MINN

Be It Further Resolved that the city is authorized to file an application for title registration on the tax forfeited properties listed in this resolution for acquisition by the City of Minneapolis signed by the Mayor and the City Clerk pursuant to Minnesota Statutes 508.03(6).

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Comm Dev - Your Committee recommends approval to preliminarily reserve Year 2009 Federal Low Income Housing Tax Credits totaling \$1,300,366 to the following projects:

- a) Lowry Apartments, 2510 Polk St NE, in the amount of \$461,029;
- b) Creekside Commons, 5400-5412 Stevens Ave, in the amount of \$538,304;
- c) Clare Midtown, 3105 - 23rd Ave S, in the amount of \$150,517;
- d) PPL Near North, scattered sites, in the amount of \$150,516.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

The COMMUNITY DEVELOPMENT, TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following report:

Comm Dev, T&PW & W&M/Budget - Your Committee, having under consideration Bassett Creek Valley Exclusive Development Rights for City-owned property in Linden Yards and the Impound Lot, now recommends:

Comm Dev - Approval of the following recommendations:

a) Contingent upon Ryan Companies ("Ryan") paying a \$20,000 good faith deposit consistent with the terms of this report, grant Ryan exclusive development rights to Linden Yards and the Impound Lot for a period of five years provided annual progress is demonstrated as described in this report, provided that because of the many complexities of the site, either Ryan or the City, based on further investigations, can walk away at the end of the approximately 8 month research period described herein, whereupon Ryan's \$20,000 deposit will be refunded;

b) Direct staff to continue its analysis of Ryan's proposal, negotiate mutually agreeable terms and conditions for one or more redevelopment agreements under the basic framework outlined in this report and return to the Council for authorization and further direction when appropriate;

c) Direct staff to explore the cost and plan to relocate all of Linden Yards and all or portions of the City's impound facility, and to report back to the Council within 8 months (unless extended by mutual agreement of the Public Works Director and Ryan) with a tentative budget;

d) Direct staff to determine the fair market value of the Linden Yards and Impound Lot under potential development scenarios, and to report back to the Council within 8 months (unless extended by mutual agreement of the Public Works Director and Ryan);

e) Authorize and direct appropriate city staff to allow environmental testing and monitoring wells on the Linden Yards site to facilitate future grant applications for Phase I;

f) Express a willingness to consider providing tax increment financing assistance for the project in the future consistent with the terms described in this report; and

g) Direct staff to include principles relating to construction related workforce and contractor diversity, housing, workforce opportunities, finance and community connections and participation for any City development agreement(s) with Ryan Companies, as fully set forth in the Department of Community Planning & Economic Development (CPED) staff report.

T&PW - Sent forward without recommendation staff recommendations "a-f", with "c" amended as follows: "c) ~~Contingent upon Ryan paying up to \$50,000 as an administrative fee to help pay for City expenses, d~~ Direct staff to explore the cost and plan to relocate all of Linden Yards and all or portions of the City's impound facility, and report back within 8 months (unless extended by mutual agreement) with a tentative budget." Additionally, the Transportation & Public Works Committee has no objection to the 8-month process laid out for the study of the proposal and referred to the Community Development Committee priority consideration regarding the remainder of the recommendations.

W&M/Budget - Concurrence with the Community Development recommendations, with "a" amended to include passage of the accompanying resolution increasing the 2008 Revenue Budget for the Department of Community Planning and Economic Development Operating Fund by \$20,000.

Goodman moved to amend the report to approve the Ways & Means/Budget Committee recommendation and to delete the Transportation & Public Works Committee recommendation. Seconded.

Adopted upon a voice vote.

Absent – Schiff, Benson, Johnson.

The report, as amended, was adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

RESOLUTION 2008R-483

By Ostrow

Amending the 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the revenue source in the Department of Community Planning and Economic Development Operating Fund (01GEN-8900900-375504) by \$20,000.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

The COMMUNITY DEVELOPMENT and WAYS & MEANS/BUDGET Committees submitted the following reports:

Comm Dev & W&M/Budget - Your Committee, having under consideration approval of the Hollywood Theatre Redevelopment Plan, now recommends passage of the accompanying resolution adopting the Hollywood Theatre Redevelopment Plan which establishes a new redevelopment project area in the vicinity of 2800, 2815 and 2819 Johnson St NE, establishes redevelopment objects and land use recommendations and identifies property that may be acquired by the City of Minneapolis.

Your Committee further recommends authorization for \$255,000 from the appropriated 2008 Community Development Block Grant for the Great Streets program to acquire 2819 Johnson St NE.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Approved by Mayor Rybak 11/7/2008.

(Published 11/11/2008)

Resolution 2008R-484, adopting the Hollywood Theatre Redevelopment Plan (vicinity of 2800, 2815 and 2819 Johnson St NE), was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-484
By Goodman and Ostrow

Adopting the Hollywood Theatre Redevelopment Plan.

Resolved by The City Council of The City of Minneapolis:

Section 1. Recitals

1.1 Pursuant to Laws of Minnesota 2003, Chapter 127, Article 12, Sections 31-34, and Minneapolis Code of Ordinances, Chapter 415, the City of Minneapolis (the "City"), acting by and through its department of Community Planning and Economic Development ("CPED"), has been granted the authority to propose and implement city development districts, housing and redevelopment projects and tax increment financing districts, all pursuant to Minnesota Statutes, Sections 469.001 through 469.134, and 469.174 through 469.179, as amended, and other laws enumerated therein (collectively, the "Project Laws").

1.2 CPED has prepared facts and this Council has investigated the facts with respect to a proposed Hollywood Theatre Redevelopment Plan (the "Plan"). The Plan creates a new redevelopment project area (the "Project Area") to facilitate redevelopment of the Hollywood Theatre building at 2815 Johnson Street Northeast and related properties, all pursuant to and in accordance with the Project Laws.

1.3 The City has performed all actions required by law to be performed prior to the adoption of the Plan, including, but not limited to, a review of the proposed Plan by the affected neighborhood groups and the City Planning Commission, and the holding of a public hearing after published and mailed notice as required by law.

1.4 The Council hereby determines that it is necessary and in the best interests of the City at this time to approve the Plan.

Section 2. Findings for the Adoption of the Plan

2.1 The Council hereby finds, determines and declares that the objectives and actions authorized by the Plan are all pursuant to and in accordance with the Project Laws.

2.2 The Council hereby finds, determines and declares that the Plan will afford maximum opportunity, consistent with the sound needs of the City as a whole, for the redevelopment of the Project Area by private enterprise. The proposed redevelopment removes blight and blighting influences, stabilizes an historic resource, and increases the supply of housing.

2.3 The Council hereby finds, determines and declares that the Hollywood Theatre Redevelopment Project (the "Redevelopment Project") qualifies as a Redevelopment Project as defined in the Minnesota Housing and Redevelopment Authorities Act (Minnesota Statutes, Section 469.002, Subdivisions 14 and 16). The Project Area qualifies as a "blighted area" as defined in the Minnesota Housing and Redevelopment Authorities Act (Minnesota Statutes, Section 469.002, Subdivision 11).

2.4 The Council hereby finds, determines and declares that the Project Area includes vacant and underutilized buildings that are detrimental to the community by reasons of dilapidation, obsolescence, overcrowding, faulty arrangement, lack of ventilation and structural damage. The vacant and substandard buildings undermine the value of adjacent property, are an uneconomic use of the land, and are considered a blighting condition.

2.5 The Council further finds, determines and declares that the Plan conforms to the general plan for the development or redevelopment of the City as a whole. Written comments of the Planning Commission with respect to the Plan were issued, are incorporated herein by reference, and are on file in the office of the City Clerk.

2.6 The Council hereby finds, determines and declares that the land in the Project Area would not be made available for redevelopment without the financial aid to be sought.

2.7 The Council further finds, determines and declares that it is necessary and in the best interests of the City at this time to approve the Plan.

Section 3. Approval of the Plan; Creation of Project Area

3.1 Based upon the findings set forth in Section 2 hereof, the Hollywood Theatre Redevelopment Plan presented to the Council on this date is hereby approved and shall be placed on file in the office of the City Clerk.

Section 4. Implementation of the Plan

4.1 The officers and staff of the City, and the City's consultants and counsel, are authorized and directed to proceed with the implementation of the Plan, and for this purpose to negotiate, draft, prepare and present to this Council for its consideration, as appropriate, all further modifications, resolutions, documents and contracts necessary for this purpose.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Approved by Mayor Rybak 11/7/2008.

Comm Dev & W&M/Budget - Your Committee, having under consideration environmental remediation grant applications for Fall, 2008, now recommends passage of the accompanying resolutions:

a) Approving the University of Minnesota's application to the Hennepin County Environmental Response Fund for Como Student Community Cooperative; and

b) Amending Resolution No. 2008R-457 entitled, "Authorizing application to the Metropolitan Council Tax Base Revitalization Account for various projects," passed October 24, 2008, by including the Soo Line Building project.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-485, approving University of Minnesota's application to the Hennepin County Environmental Response Fund for Como Student Community Cooperative at 1024 - 27th Ave SE, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-485
By Goodman and Ostrow

Approving University of Minnesota's application to the Hennepin County Environmental Response Fund for Como Student Community Cooperative.

Whereas, the University of Minnesota has indicated that it desires to apply directly to the Hennepin County Environmental Response Fund [ERF] on or by November 3, 2008 for funding to assist with the investigation of soil contamination at the Como Student Community Cooperative at 1024 27th Avenue SE in the City of Minneapolis; and

Whereas, the ERF program's procedures require a City Council resolution in support of any project within the City of Minneapolis that intends to seek such funding;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council hereby expresses its support for the ERF investigation funding that the University of Minnesota intends to request from Hennepin County for the Como Student Community Cooperative at 1024 27th Avenue SE.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-486, amending Resolution No. 2008R-457 entitled, "Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects," passed October 24, 2008, adding the Soo Line Building project to the list of applications, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-486
By Goodman and Ostrow

Amending Resolution No. 2008R-457 entitled, "Authorizing application to the Metropolitan Council Tax Base Revitalization Account [TBRA] for various projects," passed October 24, 2008.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution be amended to read as follows:

Whereas, the City of Minneapolis (the "City") was and is a participant in the Livable Communities Act's Housing Incentives Program as determined by the Metropolitan Council, and is therefore eligible to make application for funds under the Tax Base Revitalization Account; and

Whereas, the City has identified the following clean-up projects within the City that preliminarily appear to meet the Tax Base Revitalization Account's purposes and criteria: 200 1st St N, 1200 W Broadway, 2900 Lyndale Ave S, CVS Pharmacy, Digigraphics, Soo Line Building and Standard Heating & Air Conditioning; and

Whereas, the City intends to act as the legal sponsor for the above-referenced projects, which will be more completely described in Tax Base Revitalization Account grant applications to be submitted to the Metropolitan Council on or by November 3, 2008, subject to final staff verification of each such application's compliance with the TBRA grant program's purposes and criteria; and

Whereas, the City has the institutional, managerial and financial capability to ensure adequate project administration; and

Whereas, upon approval of one or more of its applications, the City may enter into agreements with the Metropolitan Council for one or more of the above-reference projects and certifies that it will comply with all applicable laws and regulations stated in such contract grant agreements; and

Whereas, the City finds that the required contamination cleanup will not occur through private or other public investment within the reasonably foreseeable future without Tax Base Revitalization Account grant funding; and

Whereas, the City represents that it has undertaken reasonable and good faith efforts to procure funding for the activities for which Livable Communities Act Tax Base Revitalization Account funding is sought but was not able to find or secure from other sources funding that is necessary for cleanup completion and states that this representation is based on the following reasons and supporting facts: the City does not have funds budgeted specifically for the environmental remediation of privately owned properties and is therefore contemporaneously seeking assistance for the projects in question from the Metropolitan Council and from other brownfield grantors;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council authorizes the Director of the Department of Community Planning and Economic Development or other appropriate staff to apply on behalf of the City of Minneapolis to the Metropolitan Council for Tax Base Revitalization Account funding for one or more of the above-referenced projects and to execute such agreements as are necessary to implement the projects.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Comm Dev & W&M/Budget - Your Committee, having under consideration Hennepin County "Second 7.5%" Neighborhood Revitalization Program (NRP) funds for East Phillips, now recommends:

- a) Approval of the use of \$45,380 of the County's "Second 7.5%" NRP funds to support construction of a multicultural community center in East Phillips Park;
- b) Passage of the accompanying resolution increasing the Department of Community Planning and Economic Development (CPED) appropriation by \$45,380 in the NRP fund; and
- c) That the proper City officers be authorized to enter into any contracts or agreements needed to implement said request.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

RESOLUTION 2008R-487
By Goodman and Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled resolution, as amended, be further amended by increasing the appropriation in the Department of Community Planning and Economic Development NRP Fund (01CNR-8900800) by \$45,380.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

The PUBLIC SAFETY & REGULATORY SERVICES Committee submitted the following reports:

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Tickles Food and Bar, 1032 3rd Av NE, for an On-Sale Liquor Class D with Sunday Sales License, subject to conditions.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Approved by Mayor Rybak 11/7/2008.

(Published 11/11/2008)

Resolution 2008R-488, granting the application of Tickles Food and Bar, 1032 3rd Av NE, for an On-Sale Liquor Class D with Sunday Sales License, subject to conditions, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-488
By Samuels

Granting the application of Tickles Food and Bar, 1032 3rd Av NE, for an On-Sale Liquor Class D with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Tickles Food and Bar Inc, dba Tickles Food and Bar, 1032 3rd Av NE, for an On-Sale Liquor Class D with Sunday Sales License (new business) to expire October 1, 2009, subject to the following conditions:

1. The establishment shall maintain, on a monthly basis, gross sales revenue from the sale of food and beverages not containing alcohol in an amount not less than 50 percent of its total gross revenue from the sale of food and beverages.

2. The establishment shall close daily at 1:00 a.m.

3. The establishment shall provide food service until 11:00 p.m. daily.
 4. The establishment shall insure that no beverage alcohol be served to persons under 21 years of age by verification through an electronic ID reader.
 5. Final inspection and compliance with all provisions of applicable codes and ordinances.
- Adopted 11/7/2008.
Absent – Schiff, Benson, Johnson.
Approved by Mayor Rybak 11/7/2008.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Bootleggers, 323 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-489, granting the application of Bootleggers, 323 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-489

By Samuels

Granting the application of Bootleggers, 323 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Avenue One Entertainment LLC, dba Bootleggers, 323 1st Av N, for an On-Sale Liquor Class A with Sunday Sales License (new ownership from 323 Enterprises LLC) to expire January 1, 2009, subject to the following conditions:

1. The establishment may not operate as a sexually oriented use as is defined in Chapter 549.340 of the Minneapolis Code of Ordinances.
2. The applicant will not allow any activities to occur on its premises which include or involve nude or semi-nude dancing, revealing or inappropriate employee attire, mud wrestling, wet T-shirt contests, employee wrestling with customers or sexually suggestive touching or other similar types of activities as defined in State Statutes 617.23 and 617.241 and Minneapolis Ordinance 385.160.
3. Violation of the terms of Conditions 1 and 2 above shall provide a basis for revocation of the City's consent for applicant to operate the Class A Liquor License.
4. The applicant will abide by any conditions set forth in the Police Department's Security Plan as signed by Sgt. E.T. Nelson, Police Department, and the applicant.
5. 16+/all ages events will not take place at this establishment.
6. During 18+ events, identification for each patron will be visually inspected by security staff prior to the patron entering the establishment. Any patron under the age of 21 with any detectable presence of alcohol in his/her system shall be refused admittance into the establishment. Any patron under the age of 21 who is found to have alcohol in their system shall be immediately removed from the premises.
7. No VIP wristbands or similar symbol indicating the patron is permitted or allowed to consume alcoholic beverages will be extended to any person without first verifying legal age to consume alcoholic beverages. When in use, any VIP area within the establishment will be staffed at all times with at least one employee of the licensee who has received alcohol server training.
8. The business shall at all times keep an accurate occupancy count and immediately share such figures upon the request of any official or officer of the City of Minneapolis. The business shall not let more patrons into the establishment than is legally allowed.

9. Noise from the establishment will be kept to a minimum by taking appropriate measures as required by Minnesota State Rules or Laws. Noise coming from patrons of the establishment will be managed consistent with the requirements of Chapter 389 of the Minneapolis Code of Ordinances.

10. The licensee will, on a daily basis, collect and properly dispose of all litter, including handbills and cigarette butts, within 100 feet of the exterior of the building housing the licensed premises.

11. Final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting the application of Interact Center, 212 3rd Av N, for a Theater Zone II License, subject to conditions.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-490, granting the application of Interact Center, 212 3rd Av N, for a Theater Zone II License, subject to conditions, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-490

By Samuels

Granting the application of Interact Center, 212 3rd Av N, for a Theater Zone II License, subject to conditions.

Resolved by The City Council of The City of Minneapolis:

That it grants the application submitted by Interact Center for the Visual & Performing, dba Interact Center, 212 3rd Av N, for a Theater Zone II License (new business) to expire October 1, 2009, subject to the following conditions:

1. The audience for the performance cannot exceed 49 persons. Post the occupancy load sign in a conspicuous place.

2. final inspection and compliance with all provisions of applicable codes and ordinances.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Liquor, Wine and Beer Licenses.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-491, granting applications for Liquor Licenses, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-491

By Samuels

Granting Liquor, Wine and Beer Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for liquor, wine and beer licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances (Petn No 273113):

Off-Sale Liquor, to expire April 1, 2009

M G M Wine & Spirits Inc, dba M G M Liquor Warehouse, 3254 W Lake St (new manager)

On-Sale Liquor Class A with Sunday Sales, to expire April 1, 2009

McCallum Group Inc, dba Three Sons Signature Cuisine, 219 Main St SE

On-Sale Liquor Class A with Sunday Sales, to expire October 1, 2009

Epic Entertainment LLC, dba Epic, 110 5th St N

On-Sale Liquor Class E with Sunday Sales, to expire July 1, 2009

Ruth's Hospitality Group Inc, dba Ruth's Chris Steak House, 920 2nd Av S, Suite 100 (new corporate officer and amend corporate name to Ruth's Hospitality Group Inc)

On-Sale Liquor Class E with Sunday Sales, to expire October 1, 2009

Jacob Morris Properties Inc, dba Cafe Havana, 119 Washington Av N (downgrade from Class C-2 with Sunday Sales)

On-Sale Wine Class E with Strong Beer, to expire April 1, 2009

Pizza Day LLC, dba Cafe Di Napoli, 601 Marquette Av, #200 (change in ownership from Cafe Di Napoli Inc)

Three Strands Enterprises Inc, dba Rix Bar and Grill, 2203 44th Av N

Temporary On-Sale Beer

Boundary Waters Advisory Committee, dba Boundary Waters Advisory Committee, 309 Cedar Av S (November 21-23, 2008 associated with Famous Dave's BBQ).

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Business Licenses.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-492, granting applications for Business Licenses, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-492

By Samuels

Granting applications for Business Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for business licenses (including provisional licenses) as per list on file and of record in the Office of the City Clerk under date of November 7, 2008 be granted, subject to final inspection and compliance with all provisions of the applicable codes and ordinances (Petn No 273113):

Place of Amusement Class B-2; Bed & Breakfast Facility; Car Wash; Christmas Tree; Fire Extinguisher Servicing Class A; Caterers; Grocery; Restaurant; Short-Term Food Permit; Sidewalk Cafe; Gasoline Filling Station; Hotel/Motel; Motor Vehicle Dealer – Used Only; Motor Vehicle Repair Garage; Motor Vehicle Repair Garage with Accessory Use; Towing Class B; Commercial Parking Lot Class A; Pet Shop; Residential Specialty Contractor; Secondhand Goods Class B; Exhibition Operator Class C; Solid Waste Hauler; Suntanning Facility; Tattooist/ Body Piercer Establishment; Taxicab Limited; Taxicab Vehicle-Fuel Efficient; Taxicab Vehicle; Taxicab Vehicle Non-Transferable; Theater Zone I; Theater Zone III; Tobacco Dealer.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution granting applications for Gambling Licenses.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-493, granting applications for Gambling Licenses, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-493

By Samuels

Granting applications for Gambling Licenses.

Resolved by The City Council of The City of Minneapolis:

That the following applications for gambling licenses be granted, subject to final inspection and compliance with all provisions of applicable codes and ordinances

(Petr No 273113):

Gambling Exempt

Phillips Eye Institute Foundation, dba Phillips Eye Institute Foundation, 2215 Park Av (Raffle November 1, 2008 at W Hotel – Foshay Tower, 821 Marquette Av)

Northside Arts Collective, dba Northside Arts Collective, 2027 W Broadway (Raffle November 7, 2008 at St. Anne's Residence, 2323 26th Av N)

Rebuilding Together Twin Cities, dba Rebuilding Together Twin Cities, 1821 University Av W, Suite S-350, St. Paul (Raffle November 7, 2008 at Minneapolis Marriott City Center, 30 S 7th St)

Church of St. Philip, dba Church of St. Philip, 2507 Bryant Av N (Bingo, Raffle and Pulltabs November 16, 2008)

Hedge Funds Care Inc, dba Hedge Funds Care Inc, 70 W 36th St (Raffle December 4, 2008 at Minneapolis Club, 729 2nd Av S)

Best Prep, dba Best Prep, 7100 Northland Circle N, Brooklyn Park (Raffle January 24, 2009 at International Market Square, 275 Market St, Suite 700)

Breck School, dba Breck School, 123 Ottawa Av N (Raffle October 2008 to April 18, 2009 (Date of Drawing) at The Depot)

Mixed Blood Theatre Company, dba Mixed Brood Theatre Company, 1501 S 4th St (Raffle May 17, 2009).

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS - Your Committee recommends passage of the accompanying resolution approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-494, approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-494

By Samuels

Approving License Settlement Conference recommendations relating to the On-Sale Liquor Class A with Sunday Sales License held by La Vina Restaurant and Banquet Center, 3010 4th Av S.

Whereas, the Licenses & Consumer Services Division held a License Settlement Conference hearing on September 30, 2008 with the licensee; and

Whereas, the Public Safety & Regulatory Services Committee received Findings of Fact, Conclusions and Recommendations that concluded that La Vina Inc:

a. Failed to comply with the business license conditions that prohibits charging a cover charge for the banquet center; and holding events for the general public.

b. Violated Minneapolis Code of Ordinances Section 362.120(o) by failing to file a new manager application in a timely manner;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the following recommendations be adopted, as more fully set forth in said Findings on file in the Office of the City Clerk and made a part of this report by reference:

1. La Vina Inc is assessed a sanction in the amount of \$1,000 for failing to comply with business license conditions and Minneapolis Code of Ordinances; \$500 of the sanction will be stayed for a two-year period pending no same or similar violations of the business license conditions or Minneapolis Code of Ordinances. The remaining \$500 sanction must be paid upon signature of the agreement.

2. La Vina Inc will submit the new manager application by October 31, 2008.

3. Mr. Luis Paucar will attend an alcohol training program specifically set up for an owner or manager of the business. The course must be completed by December 31, 2008 and proof of attendance presented to the License Division.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS - Your Committee recommends that the following levies be approved and that the Director of the Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray costs of work performed under authorization of the Inspections Division to correct nuisance or hazardous conditions on these properties (Petn No 273114):

Levy 1080 - Removal of Offensive Matter (rubbish), payable in one year - \$426,888.86

Levy 1081 - Removal of Offensive Matter (weeds), payable in one year - \$372,639

Levy 1084 - Removal of Offensive Matter (hazardous trees), payable in five years - \$117,508.66

Levy 1085 - Removal of Offensive Matter (brush and plant growth), payable in one year - \$80,804

Levy 1086 - Inoperable Vehicle Tow Administrative Fees, payable in one year - \$8,775

Levy 1089 - Unpaid Administrative Citations, payable in one year - \$2,825,020

Levy 1092 - Emergency demolition of property, payable in one year - \$207,647

Levy 1095 - Building Demolition, payable in one year - \$592,456.76

Levy 1096 - Vacant/Boarded Housing Registrations, payable in one year - \$2,762,000

Levy 1097 - Reinspection Fees, payable in one year - \$144,890

Levy 1098 - Securing of Buildings (Police Board Up), payable in one year - \$673,058.34

Levy 1099 - Securing Abandoned Buildings, payable in one year - \$180,226.34

Levy 1122 – Unpaid Administrative Citations, payable in five years - \$7,400

Levy 01088 – Tenant Remedy Act, payable in one year - \$2,888.20.

Your Committee further recommends that the Department of Regulatory Services be authorized to continue receiving pre-payments until December 1, 2008, as allowable by law, at which point the final levy list will be sent to the Director of the Hennepin County Property Taxation Department.

Your Committee further recommends passage of the accompanying Resolutions directing the Director of the Hennepin County Taxation Department to:

- a. place assessments against certain properties to defray the cost of abating nuisance conditions (Levies 1080, 1081, 1084, 1085 and 1086).
- b. place assessments against certain properties to defray the cost of unpaid administrative citations and civil fines (Levy 1089).
- c. place assessments against certain properties to defray the cost for building demolition properties (Levy 1092 and 1095).
- d. place assessments against certain properties to defray the cost for registering vacant properties (Levy 1096).
- e. place assessments against certain properties to defray the cost relating to reinspection fees (Levy 1097).
- f. place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action (Levy 1098).
- g. place assessments against certain properties to defray the cost of securing abandoned buildings (Levy 1099).
- h. place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines (Levy 1122).
- i. place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes (Levy 01088).

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-495, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-495

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of abating nuisance conditions in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the Director of Inspections is authorized under Chapter 227 of the Minneapolis Code of Ordinances to abate nuisances relating to offensive matter on private premises including rubbish, long grass and weeds, brush and plant growth and dead trees; and

Whereas, the City Charter of the City of Minneapolis provides that costs incurred in the removal of nuisance conditions shall be levied and collected as a special assessment against the properties;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred in the removal of offensive matter are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Numbers 1080 (Rubbish Removal), 1081 (Weed Removal), 1084 (Offensive Tree Removal), 1085 (Shrub, Brush Removal), and 1086 (Inoperable Vehicle Tow Administrative Fees) be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to defray the costs of work performed under authorization of the Inspections Division to abate nuisances on private properties.

Be It Further Resolved that Levy Numbers 1080, 1081, 1085, and 1086 be payable in a single installment with interest thereon at eight percent (8%) and that Levy Number 1084 be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn

No 273114 on file at the office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-496, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-496

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1089 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-497, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 87 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-497

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 87 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 87.100 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 87 provides that the cost of building demolition property as defined by Chapter 87.110 shall be levied and collected as a special assessment against the property as provided for in Chapter 87 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1092 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-498, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-498

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for Building Demolition properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of building demolition property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Building Demolition properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1095 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-499, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-499

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for registering vacant properties in accordance with Chapter 249 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 249.80 that defines a vacant property and were authorized by the Director of Inspections to have the fee levied against the property in cases where property owners failed to pay the required yearly fee; and

Whereas, Chapter 249 provides that the cost of registering a vacant property as defined by Chapter 249.80 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for registering vacant properties are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1096 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-500, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-500

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost relating to Re-inspection Fees in accordance with Chapter 244 Section 190 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain buildings met the criteria stated in Chapter 244.190 that determine Re-inspection Fees and were authorized by the Director of Inspections to have the fees levied against the property in cases where property owners failed to pay the required fee; and

Whereas, Chapter 244.190 provides that the cost of Re-inspections to gain compliance with housing maintenance orders as defined by Chapter 244.190 shall be levied and collected as a special assessment against the property as provided for in Chapter 227 of the Minneapolis Code of Ordinances and Chapter 429.101 sub. Sec.(9) of Minnesota State Statutes when the property owner fails to meet the requirement for fee payment;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for Re-inspection Fees are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1097 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-501, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-501

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing any building or structure rendered uninhabitable or unoccupied and open to trespass as a result of lawful police action in accordance with Chapter 171 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure uninhabitable or unoccupied buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Chief of Police did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing unoccupied or uninhabitable buildings open to trespass under the authority of the Chief of Police are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1098 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-502, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-502

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost of securing abandoned buildings in accordance with Chapter 227 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis is empowered to secure vacant buildings in accordance with Minnesota Statutes Section 463.251; and

Whereas, the Director of Inspections did secure such buildings under the authority of the City Council of the City of Minneapolis; and

Whereas, this law provides that the cost of securing such buildings shall be charged against the real estate as provided in Minnesota Statutes, Section 463.21;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of securing abandoned buildings under the authority of the Director of Inspections are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1099 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-503, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-503

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the cost for unpaid administrative citations and civil fines issued in accordance with Chapter 2 of the Minneapolis Code of Ordinances.

Whereas, the City Council of the City of Minneapolis did determine that certain properties were in violation of the Minneapolis Code of Ordinances and met the criteria stated in Chapter 2 to issue administrative citations and were authorized by the Director of Inspections to have the penalties levied against the property in cases where property owners failed to pay the required administrative citation penalty; and

Whereas, Chapter 2 provides that the unpaid penalties associated with an administrative citation as defined by Chapter 2 shall be levied and collected as a special assessment against the property as provided for in Chapter 10 of the Minneapolis Charter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs incurred for unpaid administrative citations are hereby approved and that such costs be assessed against the properties.

Be it Further Resolved that Levy Number 1122 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in five (5) equal annual installments with interest thereon at eight percent (8%) per annum, as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

Resolution 2008R-504, directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes Section 504B395-471, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-504

By Samuels

Directing the Director of the Hennepin County Property Taxation Department to place assessments against certain properties to defray the costs of itemized maintenance repairs and other required building costs approved pursuant to Minnesota Statutes Section 504B395-471.

Whereas, the City Council of the City of Minneapolis is empowered to allow a court appointed administrator to petition the court for an order to receive municipal funds to make the repairs in accordance with Chapter 2 of the Minneapolis Code of Ordinances;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the costs of itemized maintenance repairs and other required building costs are hereby approved and that such costs are assessed against the properties.

Be it Further Resolved that Levy Number 01088 be approved and transmitted to the Hennepin County Taxation Department and that the Director of Hennepin County Property Taxation Department be directed to place assessments against the specified properties to be paid in a single installment with interest thereon at eight percent (8%), as set forth in Petn No 273114 on file at the Office of the City Clerk.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS – Your Committee, having under consideration the Emergency Preparedness Loan Program, now recommends that the proper City officers be authorized to execute a Joint Powers Agreement with other jurisdictions to allow sharing of grant-funded supplies and equipment for emergency preparedness purposes.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS – Your Committee, having under consideration the issuance of 45 new taxicab vehicle licenses in accordance with Section 341.300 of the Minneapolis Code of Ordinances, now recommends that the following service companies be granted new taxicab vehicle licenses as non-transferable licenses:

8 licenses to Airport Taxi;
8 licenses to Twin City Airport;
8 licenses to Sky bird Taxi;
6 licenses to Checker Taxi
5 licenses to AAA Taxi;
4 licenses to Minneapple Taxi;
3 licenses to North Star Taxi;
3 licenses to Gold Star Taxi.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS – Your Committee, having under consideration the following properties which have been determined by the Inspections Division to meet the definition of a nuisance under the meaning of Chapter 249 of the Minneapolis Code of Ordinances; and a Director's Order to Demolish the property having been issued; and hearings having been held by the Nuisance Condition Process Review Panel, now recommends concurrence with the recommendation of the Panel to uphold the staff recommendation to demolish said properties:

- a. 3315 6th St N.
- b. 3229-31 4th St N
- c. 1406 Fremont Av N.

Your Committee further recommends approval of the Findings of Fact, Conclusions and Recommendations, which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS - Your Committee, having under consideration the Rental Dwelling License held by Gary L. Holgren for the property located at 627 Russell Av N, now recommends concurrence with the recommendation of the Director of Inspections that said license be revoked for failure to meet licensing standards pursuant to Section 244.2020 of the Minneapolis Code of Ordinances relating to conduct on licensed premises, as more fully set forth in Findings of Fact which are on file in the Office of the City Clerk and hereby made a part of this report by reference.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

**The PUBLIC SAFETY & REGULATORY SERVICES and WAYS & MEANS/BUDGET
Committees submitted the following reports:**

PS&RS & W&M/Budget – Your Committee recommends that the proper City officers be authorized to issue a Request for Proposals for Restorative Justice Programs.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

PS&RS & W&M/Budget - Your Committee recommends that the proper City officers be authorized to execute an agreement with the Hennepin County Medical Center – Emergency Medical Services (HCMC – EMS), for an estimated amount of \$95,000, for training and services provided during the Republican National Convention. If approved for payment, these expenses will be reimbursed to HCMC under a mutual aid agreement that the City of Minneapolis executed with the City of St. Paul to cover convention expenses.

Adopted 11/7/2008.

Absent – Schiff, Benson, Johnson.

The TRANSPORTATION & PUBLIC WORKS Committee submitted the following reports:

T&PW - Your Committee, having under consideration the 50th St W and France Ave S Parking Facility, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2007 operation and maintenance of the 50th St W and France Ave S Parking Facility.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-505, adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2007 operation and maintenance of the 50th St W and France Ave S Parking Facility, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-505

By Colvin Roy

Adopting the special assessments, levying the special assessments, and adopting the assessment roll for the 2007 operation and maintenance of the 50th St W and France Ave S Parking Facility.

Whereas, the total amount of the proposed special assessments is \$10,324.23 and consists of 2007 operation and maintenance costs through December 31, 2007; and

Whereas, a public hearing was held on October 28, 2008, in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the operation and maintenance, to consider the proposed special assessments as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments in the total amount of \$10,324.23 as on file in the office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2009 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

T&PW - Your Committee, having under consideration the Lyn/Lake Municipal Parking Lot, and having held a public hearing thereon, now recommends passage of the accompanying resolution adopting the special assessments, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Municipal Parking Lot.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-506, adopting the special assessments for payable 2009, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-506

By Colvin Roy

Adopting the special assessments for payable 2009, levying the special assessments, and adopting the assessment roll for the Lyn/Lake Parking Facilities.

Whereas, Minnesota Statutes, Section 459.14 (Automobile Parking Facilities) authorizes the City of Minneapolis to acquire property interests, construct parking facilities, operate and maintain parking facilities, and finance parking facilities through special assessments levied against benefited properties; and

Whereas, the City of Minneapolis has approved the establishment of parking facilities in the Lyn/Lake area, as more particularly described in Resolutions 98R-129 passed April 24, 1998, and 98R-186 passed May 22, 1998 and in Petn Nos 263708 and 263799 on file in the office of the City Clerk; and

Whereas, any shortfall gap between parking facilities revenue and parking facilities expenditures is to be assessed to properties benefited by the parking facilities; and

Whereas, the proposed assessment for the property identified as 2917 Bryant Ave S, Property ID 33-029-24-44-0128, has been reduced by \$650.09, from \$1,287.59 to \$637.50; and

Whereas, the City Engineer has recommended the amount to be specially assessed for payable 2009 be reduced from \$62,929.28 to \$62,279.19 due to the above reduction, all as contained in Petn No 273120 on file in the office of the City Clerk; and

Whereas, a public hearing was held on October 28, 2008 in accordance with Minnesota Statutes, Section 459.14 and Minnesota Statutes, Chapter 429 to consider the proposed special assessments for payable 2009 as shown on the proposed assessment roll on file in the office of the City Clerk, and to consider all written and oral objections and statements regarding this matter;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the proposed special assessments for payable 2009 in the total amount of \$62,279.19 as on file in the office of the City Clerk be and hereby are adopted and levied upon the benefited properties.

Be It Further Resolved that the special assessments be collected in one (1) installment on the 2009 real estate tax statements without interest charges.

Be It Further Resolved that the assessment roll as prepared by the City Engineer be and hereby is adopted and that the City Clerk is hereby directed to transmit a certified copy of said assessment roll to the Hennepin County Auditor.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

T&PW - Your Committee, having under consideration a request from residents of the 2800 block of Pleasant Ave S to be included in the established "Type B" Critical Traffic and Parking Area #29, as set forth in Petn No 273120, the Department of Public Works having verified that the petitions submitted represent more than 75 percent of the residents of the affected properties, and the City having determined that the findings are met thereby meeting the requirements for a Critical Parking Area, now recommends passage of the accompanying ordinance amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, by adding the 2800 block of Pleasant Ave S to Critical Parking Area #29, "No Parking, Except by Permit, 8 am to Midnight, Daily".

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-082, amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to *Traffic Code: Parking, Stopping and Standing*, amending Section 478.730 by adding the 2800 block of Pleasant Ave S to Critical Parking Area #29, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-082
By Colvin Roy
1st & 2nd Readings: 11/7/2008

Amending Title 18, Chapter 478 of the Minneapolis Code of Ordinances relating to Traffic Code: Parking, Stopping and Standing.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 478.730 of the above-entitled ordinance be amended by adding to Critical Parking Area #29 the following No Parking Zones:

No. 7116 - Both sides of Pleasant Ave S between 28th St W and 29th St W (Critical Parking Area #29) (No Parking Daily from 8 am to Midnight, Except by Permit).

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

T&PW - Your Committee, having under consideration the Metropolitan Council Draft 2030 Transportation Policy Plan Update, now recommends approval of the draft Comments, dated November 6, 2008, for submittal to the Metropolitan Council. (Petn 273120)

Colvin Roy moved to amend the Comments referred to in Petition No 273120 relating to streetcars (under *Chapter 7: Transit*) to read as follows:

- The paragraph on streetcars does not recognize the benefits of streetcar service for transit riders, as well as for development. The City recommends the following language edits related to streetcars:

Streetcars are a type of rail transit that can be operated with vintage cars, replica cars or modern cars. Streetcars typically operate in mixed traffic although they may operate in reserved lanes and may be given priority at intersections and as such, are subject to the same problems of congestion as travel in automobiles. They typically stop every few blocks and operate shorter distances than LRT with an emphasis on high frequency service with high accessibility. They travel more slowly than light-rail transit, which operates in its own dedicated right-of-way and stops every one-two miles. one miles, and bus service, which also typically service much longer routes. Service is often faster than bus service due to faster boarding, faster fare collection, and intersection priorities. Streetcar service is particularly suitable for high volume local routes in urban areas. However, sStreetcars may also be appropriate as a development tool for local units of government. The Council will collaborate with local units of government to determine where and when streetcars may be appropriate. However, if it is determined that streetcars are less cost-effective than buses or and they are being constructed primarily as a development tool, capital costs for streetcars should be funded primarily at the local, not regional, level. If streetcar service would is planned to replace bus service, then regional participation would be based on the anticipated regional benefits. Federal or state grant funding for local streetcar lines should not compete with regional transit priorities unless streetcar is shown to be more cost-effective than bus or LRT if buses or light rail transit are more cost efficient than streetcars. Seconded.

Adopted by unanimous consent.

Absent – Schiff, Benson, Johnson.

The report, as amended, was adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Approved by Mayor Rybak 11/7/2008.

(Published 11/11/2008)

The TRANSPORTATION & PUBLIC WORKS and WAYS & MEANS/BUDGET Committees submitted the following reports:

T&PW & W&M/Budget - Your Committee, having under consideration the following staff recommendations:

- a) That the proper City officers be authorized to negotiate and execute an 18-month lease, with option to renew, with Weisman Investment Company for the property located at 701 7th St N to be used by Property Services staff; and
- b) That preliminary approval be granted to increase the 2009 Operating Budget for Property Services in the Internal Services Fund (06200) by \$63,000 to cover the new costs of the lease;

now recommends:

T&PW: Approval.

W&M/Budget: Approval, with the stipulation that the costs be included in the rates that Property Services charges to CPED, and potentially other departments, if alternative agreements can be reached.

Colvin Roy moved that the report be amended by approving the Ways & Means/Budget Committee recommendation and deleting the Transportation & Public Works Committee recommendation. Seconded.

Adopted by unanimous consent.

Absent – Schiff, Benson, Johnson.

The report, as amended, was adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

T&PW & W&M/Budget - Your Committee recommends that the proper City officers be authorized to enter into a contract with LaBreche, LLC, for a total expenditure not to exceed \$180,000, to provide marketing and public relations for Minneapolis tap water.

Your Committee further recommends that as part of said contract, LaBreche, LLC be authorized to secure monetary and in-kind sponsors, as well as corporate endorsement of Minneapolis tap water.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

T&PW & W&M/Budget - Your Committee recommends acceptance of the following bids submitted to the Public Works Department:

a) OP 7032, Accept low responsive bid of Custom Products and Services, Inc., for an estimated expenditure of \$28,100, to furnish and deliver all labor, materials, equipment, and incidentals necessary to provide sidewalk snow removal and maintenance for the South Hennepin Special Service District during the period of approximately November 1, 2008 through April 30, 2009;

b) OP 7034, Accept low responsive bid of Custom Products and Services, Inc., for an estimated expenditure of \$131,950, to furnish and deliver all labor, materials, equipment, and incidentals necessary to provide sidewalk snow removal and maintenance for the Uptown Special Service District during the period of approximately November 1, 2008 through April 30, 2009; and

c) OP 7036, Accept low responsive bid of Ferguson Enterprises, Inc., d/b/a Northern Water Works Supply, in the amount of \$122,490, to furnish and deliver resilient seated gate valves.

Your Committee further recommends that the proper City officers be authorized and directed to execute a contract for said services, all in accordance with City specifications and contingent upon approval of the Civil Rights Department.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Approved by Mayor Rybak 11/7/2008.

(Published 11/11/2008)

The WAYS & MEANS/BUDGET Committee submitted the following reports:

W&M/Budget - Your Committee recommends passage of the accompanying resolution authorizing the settlement of legal matters, as recommended by the City Attorney.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-507, authorizing settlement of *Demetri D. Buford v. City of Minneapolis*, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-507

By Ostrow

Authorizing legal settlement.

Resolved by The City Council of The City of Minneapolis:

That the City Attorney is authorized to proceed with the settlement of the claim of *Demetri D. Buford v. City of Minneapolis*, by payment of \$9,200 to the Kreuger Law Firm, from the Internal Service Self Insurance Fund (06900-1500100-145400).

Further, authorize the City Attorney's Office to execute any documents necessary to effectuate the settlement.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

W&M/Budget - Your Committee recommends that the proper City officers be authorized to amend the Unisys managed services contract C-25200 by \$125,112 for an increase in scope to provide laptops to the Regulatory Services Department. No additional appropriation required.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

W&M/Budget - Your Committee recommends approval of the December 2008 utility billing insert on behalf of the Finance Department explaining Local Use Tax as required by State law.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

W&M/Budget - Your Committee, having under consideration the Mayor's recommendation on the Neighborhood Stabilization Program from the U.S. Department of Housing and Urban Development, now recommends the following:

a) Amending the City's Fiscal Year 2008 Consolidated Plan; and

b) Passage of the accompanying resolution amending the 2008 General Appropriation Resolution, by updating the Community Development Block Grant Program Allocations in Financial Schedule 4, as set forth in Petn No. 273128, passed by the City Council on December 12, 2007.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

NOVEMBER 7, 2008

RESOLUTION 2008R-508

By Ostrow

Amending The 2008 General Appropriation Resolution.

Resolved by The City Council of The City of Minneapolis:

That the above-entitled Resolution, as amended, be further amended to reflect updates to the Community Development Block Grant Program Allocation in Financial Schedule 4.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

The ZONING & PLANNING Committee submitted the following reports:

Z&P - Your Committee, having under consideration the application of Tim and Karen Harmsen for a waiver from Interim Ordinance 2008-Or-078, providing for a moratorium on the demolition, new construction, or establishment of single and two-family residential dwellings in the "University District" area (passed October 10, 2008), to allow for the construction of a new single-family dwelling at 1120 8th Street SE, now recommends that said waiver be granted, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 586 *Providing for a Moratorium on the establishment, re-establishment or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S, or B4C zoning districts*, now recommends that the intensification of use be included in the moratorium, that said ordinance be given its second reading for amendment and passage, and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-083 amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 586, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-083

By Schiff

Intro & 1st Reading: 9/26/2008

Ref to: Z&P

2nd Reading: 11/7/2008

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 586 relating to *Interim Ordinances*: providing for a moratorium on the on the establishment, re-establishment, intensification or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 586 to read as follows:

CHAPTER 586. PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT, RE-ESTABLISHMENT, INTENSIFICATION OR EXPANSION OF RECEPTION, BANQUET, RENTAL AND/OR MEETING HALLS OUTSIDE OF THE B4, B4S AND B4C ZONING DISTRICTS.

586.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

586.20. Findings and purpose. The city council is concerned about the possible impacts of reception, banquet, rental, and/or meeting halls outside of the downtown, including, but not limited to noise, traffic, parking, public safety and hours of operation. The city council is concerned that these impacts may have a negative impact on neighborhood livability. The city council is concerned about possible lack of alignment between zoning and licensing standards, regulations and definitions for these uses. The city council is interested in protecting the livability of the study area by examining issues such as parking and hours of operation and whether the existing zoning and licensing regulations are consistent with one another and with the policies of the comprehensive plan. As a result of the important land use, licensing and zoning issues cited above, the city, through its planning division in cooperation with regulatory services, will conduct studies to consider possible amendments to the official zoning and licensing controls. The city council finds that the interim ordinance should be adopted to protect the planning process and the public health, safety, aesthetics, economic viability, and general welfare of the city.

586.30. Zoning study. All parcels within the City of Minneapolis outside of the B4, B4S and B4C zoning districts are hereby declared to be an interim zoning study area with respect to the establishment, re-establishment, intensification or expansion of reception, banquet, rental and/or meeting halls. The Planning Division of the Community Planning and Economic Development Department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the Regulatory Services Department, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

586.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on September 26, 2008, no zoning approval, building permits, construction permits, licenses, or administrative waivers for building construction that allow for the establishment, reestablishment, intensification or expansion of reception, banquet, rental and/or meeting halls outside of the B4, B4S and B4C zoning districts by the zoning code shall be allowed or granted by any city department in the study area. These restrictions shall not apply to the issuance of permits for any of the following:

- (1) Development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date of this interim ordinance;
- (2) Development for which complete applications have been received by the planning division of the community planning and economic development department prior to the effective date of this interim ordinance.

586.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P - Your Committee, to whom was referred an ordinance amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 587 *Providing for a Moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east*, now recommends that said ordinance be given its second reading for amendment and passage and that the findings prepared by the Department of Community Planning & Economic Development staff be adopted.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-084 amending Title 21 of the Minneapolis Code of Ordinances relating to *Interim Ordinances* by adding a new Chapter 587, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-084
By Schiff
Intro & 1st Reading: 9/26/2008
Ref to: Z&P
2nd Reading: 11/7/2008

Amending Title 21 of the Minneapolis Code of Ordinances by adding a new Chapter 587 relating to *Interim Ordinances*: providing for a moratorium on the establishment, reestablishment or expansion of principal parking facilities in the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That the Minneapolis Code of Ordinances be amended by adding thereto a new Chapter 587 to read as follows:

CHAPTER 587. PROVIDING FOR A MORATORIUM ON THE ESTABLISHMENT, REESTABLISHMENT OR EXPANSION OF PRINCIPAL PARKING FACILITIES IN THE AREA BOUNDED BY CHICAGO AVENUE ON THE WEST, THE MIDTOWN GREENWAY/HENNEPIN COUNTY REGIONAL RAILROAD AUTHORITY (HCRRA) RIGHT-OF-WAY TO THE NORTH, 31ST STREET EAST TO THE SOUTH, AND HIAWATHA AVENUE TO THE EAST.

587.10. Authority. Pursuant to Minnesota Statutes Section 462.355, Subd. 4, the city is authorized to establish interim ordinances to regulate, restrict or prohibit any use or development in all or a part of the city while the city or its planning department is conducting studies, or has authorized a study to be conducted, or has scheduled a hearing to consider adoption or amendment of the comprehensive plan or official zoning controls. In furtherance of this statutory authority, the city has enacted Chapter 529 of the zoning code which governs the establishment of interim ordinances. The city declares that this interim ordinance is established pursuant to the aforementioned statute and city ordinance.

587.20. Findings and purpose. The city council is concerned that the pedestrian-oriented character of the subject area may be compromised by the establishment or expansion of principal parking facilities and surface parking. The city council is concerned that converting parcels with existing structures to principal parking facilities could substantially alter the character and livability of the study area. The city council is interested in protecting the livability of the study area by examining potential regulatory changes to preserve the pedestrian-oriented character of the study area. As a result of the important land use and zoning issues cited above, the city, through its planning division,

will conduct studies to consider possible amendments to the official zoning controls. The city council finds that the interim ordinance should be adopted to protect the planning process and the public health, safety, aesthetics, economic viability, and general welfare of the city.

587.30. Zoning study. All parcels within the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east. The area including in entirety the above referenced parcels are hereby declared to be an interim zoning study area with respect to the establishment, reestablishment or expansion of principal parking facilities. The Planning Division of the Community Planning and Economic Development Department (CPED) is hereby directed to authorize and oversee the development of a study, in cooperation with the division of regulatory services department, to inform the future development of the area and to propose such amendments to the city's comprehensive plan, official zoning controls, and other regulatory devices that the planning division deems advisable.

587.40. Restrictions. For a period of one (1) year from the date of introduction of this ordinance on September 26, 2008 no zoning approval, building permits, construction permits, licenses, or administrative waivers for building construction that allow for the establishment, reestablishment or expansion of principal parking facilities shall be allowed or granted by any city department for the study area consisting of parcels within the area bounded by Chicago Avenue on the west, the Midtown Greenway/Hennepin County Regional Railroad Authority (HCRRA) right-of-way to the north, 31st Street East to the south, and Hiawatha Avenue to the east. These restrictions shall not apply to the issuance of permits for any of the following:

- (1) Development that has received approval of all required land use applications by the city council, city planning commission, and/or board of adjustment prior to the effective date of this interim ordinance;
- (2) Development for which complete applications have been received by the planning division of the community planning and economic development department prior to the effective date of this interim ordinance.

587.50. Hardship. In cases of hardship, any person having a legal or equitable interest in land and aggrieved by the requirements of this interim ordinance may apply to the city council for a waiver of all or a portion of the applicable restrictions as provided in Chapter 529 of the zoning code. A waiver may be granted where the city council finds substantial hardship caused by the restrictions and finds that the waiver will not unduly affect the integrity of the planning process or the purposes for which the interim ordinance is enacted.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Powderhorn Park Neighborhood Association (BZZ-4207) to rezone the property at 821 35th Street East from R2B to the OR1 Neighborhood Office Residence District to permit the establishment of a second office unit in the existing building on the property and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-085 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 821 35th Street E from R2B to the OR1 District, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-085
By Schiff
1st & 2nd Readings: 11/7/2008

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 1, 2, 3 and 4, Menage's 2nd Addition of Minneapolis, Hennepin County, Minnesota (821 35th Street East - Plate 26) to the OR1 District.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in denying the petition of Emerge Community Development (BZZ-4156) to rezone the property at 1307 Glenwood Avenue from C2 to the I2 Medium Industrial District to permit use as a contractor's yard and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P – Your Committee concurs in the recommendation of the Planning Commission in granting the petition of Ernest Johnson on behalf of Sabathani Community Center, Inc. (BZZ-4197) to rezone the property at 310 East 38th Street from R1A to the OR2 High Density Office Residence District to permit a community center and adopting the related findings prepared by the Department of Community Planning & Economic Development.

Your Committee further recommends passage of the accompanying ordinance amending the Zoning Code.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-086 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, rezoning the property at 310 E 38th Street from R1A to the OR2 District, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-086
By Schiff
1st & 2nd Readings: 11/7/2008

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.30 of the above-entitled ordinance be amended by changing the zoning district for the following parcel of land, pursuant to MS 462.357:

That part of Lots 8 through 12, inclusive, Block 11; Lots 1 through 14, inclusive, Block 12; Lots 1 through 16, inclusive, Block 13; Lots 11 through 16, inclusive, Block 14; that part of vacated Clinton Avenue lying south of a line drawn from the Southeast corner of Lot 2, Block 12, to the Southwest corner of Lot 13, Block 11, and North of a line drawn from the Southeast corner of Lot 6, Block 13, to the Southwest corner of Lot 11, Block 14; all of the vacated or to be vacated North/South alley in adjoining Lots 1 through 14, Block 12, and Lots 1 through 16, Block 13; all in Vinton Park Addition to Minneapolis, according to the recorded plat thereof on file in the office of the County Recorder and situate in Hennepin County, Minnesota, subject to reservations, restrictions and easements of record. (310 East 38th Street - Plate 25) to the OR2 District.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P – Your Committee, having before it the recommendation of the Planning Commission to deny the petition of The Main Group (BZZ-4206) to rezone the property at 2440 Oakland Avenue from R4 to the C1 Neighborhood Commercial District to permit the conversion of a duplex to a restaurant/literary café, now recommends that said application be sent forward without recommendation.

Remington moved that the report be referred back to the Zoning & Planning Committee. Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

Z&P - Your Committee, to whom was referred ordinances amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, (establishing an Airport Overlay District to implement the 2004 Minneapolis-St. Paul International Airport Zoning Ordinance and to provide for the acoustical integrity of MAC insulated homes in the MSP noise impact area in accord with the October 19, 2007 Consent Decree) now concurs in the recommendation of the Planning Commission that the related findings be adopted, and that said ordinances be given their second reading for amendment and passage.

Your Committee further recommends that the additional finding that obtaining consent from individual property owners would be impractical be adopted.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-087 amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to *Zoning Code: Zoning Districts and Maps Generally*, establishing the AP Airport Overlay District, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-087
By Benson, Colvin Roy, Glidden, and Hodges
Intro & 1st Reading: 9/12/2008
Ref to: Z&P
2nd Reading: 11/7/2008

Amending Title 20, Chapter 521 of the Minneapolis Code of Ordinances relating to Zoning Code: Zoning Districts and Maps Generally

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 521.10 (6) of the Minneapolis Code of Ordinances be amended to read as follows:

521.10. Establishment of zoning districts. In order to carry out the purposes and provisions of this zoning ordinance, the city shall be divided into the following zoning districts:

(6) *Overlay Districts.*

PO Pedestrian Oriented Overlay District
LH Linden Hills Overlay District
IL Industrial Living Overlay District
TP Transitional Parking Overlay District
SH Shoreland Overlay District
FP Floodplain Overlay District
MR Mississippi River Critical Area Overlay District
DP Downtown Parking Overlay District
B4H Downtown Housing Overlay District
DH Downtown Height Overlay District
NM Nicollet Mall Overlay District
HA Harmon Area Overlay District
NP North Phillips Overlay District
AP Airport Overlay District

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-088 amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to *Zoning Code: Regulations of General Applicability*, repealing Section 535.60, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-088
By Benson, Colvin Roy, Glidden, and Hodges
Intro & 1st Reading: 9/12/2008
Ref to: Z&P
2nd Reading: 11/7/2008

Amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code: Regulations of General Applicability.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 535.60 of the above-entitled ordinance be and is hereby repealed.

535.60. Height near airport. The following special height limitations shall apply to areas within two (2) miles of the boundary lines of Minneapolis – St. Paul International Airport, except where the primary zoning district is more restrictive:

- (1) Within seven thousand five hundred (7,500) feet of the nearest airport runway boundary, no structure, object of natural growth or portion thereof shall exceed a height of twenty-five (25) feet or one (1) foot for each fifty (50) feet that such structure or object is located away from such runway boundary, whichever height is greater.
- (2) Between seven thousand five hundred (7,500) feet and two (2) miles from the nearest airport runway boundary, no structure, object of natural growth or portion thereof shall exceed a height of one hundred fifty (150) feet.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Ordinance 2008-Or-089 amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to *Zoning Code: Overlay Districts*, establishing the AP Airport Overlay District, was adopted 11/7/2008 by the City Council. A complete copy of this ordinance is available for public inspection in the office of the City Clerk.

NOVEMBER 7, 2008

The following is the complete text of the unpublished summarized ordinance.

ORDINANCE 2008-Or-089
By Benson, Colvin Roy, Glidden, and Hodges
Intro & 1st Reading: 9/12/2008
Ref to: Z&P
2nd Reading: 11/7/2008

Amending Title 20, Chapter 551 of the Minneapolis Code of Ordinances relating to Zoning Code: Overlay Districts.

The City Council of The City of Minneapolis do ordain as follows:

Section 1. That Section 551.20 of the Minneapolis Code of Ordinances be amended to read as follows:

551.20 Establishment of overlay districts. The overlay district names are:

- PO Pedestrian Oriented Overlay District
- LH Linden Hills Overlay District
- IL Industrial Living Overlay District
- TP Transitional Parking Overlay District
- SH Shoreland Overlay District
- FP Floodplain Overlay District
- MR Mississippi River Critical Area Overlay District
- DP Downtown Parking Overlay District
- B4H Downtown Housing Overlay District
- DH Downtown Height Overlay District
- NM Nicollet Mall Overlay District
- HA Harmon Area Overlay District
- NP North Phillips Overlay District
- AP Airport Overlay District

Section 2. That Chapter 551 of the Minneapolis Code of Ordinances be amended by adding a new Article XV, including new Sections 551.1070-551.1170, to read as follows:

ARTICLE XV AP AIRPORT OVERLAY DISTRICT.

551.1070. Purpose. The AP Overlay District is established to implement the 2004 Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance (hereinafter 2004 MSP Zoning Ordinance) and to provide for the acoustical integrity of Metropolitan Airports Commission (MAC) insulated homes in the MSP noise impact area. The 2004 MSP Zoning Ordinance, pursuant to the provisions and authority of Minnesota Statutes Section 360.063, whenever more restrictive than the underlying code takes precedent within areas of the City of Minneapolis regulating and restricting the height of structures and objects of natural growth and otherwise regulating the use of property in the vicinity of the Minneapolis-St. Paul International Airport. The 2004 MSP Zoning Ordinance creates zones and establishes boundaries that extend into the City of Minneapolis. It is the purpose of the AP Overlay District to protect the public health, safety, and general welfare and to promote the most appropriate use of land by preventing the creation or establishment of Airport Hazards subject to the 2004 MSP Zoning Ordinance and Minnesota Statutes.

551.1080. Established boundaries. The AP Overlay District shall apply to all land within the City of Minneapolis designated as Safety Zone A, Safety Zone B, and Safety Zone C in the 2004 MSP Zoning Ordinance, and those areas within airspace zones subject to height limitation restrictions identified on the 2004 MSP Airspace Zone Maps. In addition, a sub-district of noise impacted homes is established of that area of homes which has received a 5dB noise reduction treatment through sound insulation more generally described as blocks included within or intersected by the 1996 65 DNL contour and the 2007 63 and 64 DNL contours where a 5 dB treatment has been or is scheduled to be implemented; and for that area encompassed by the 2007 60, 61 and 62 DNL contours.

551.1090. Definitions. The following terms shall have the following definitions for the purpose of this section:

Additions. Any extension or expansion of an existing building footprint, including any increase of year around habitable indoor space, occupancy or use.

Appurtenance. The visible, functional, or ornamental objects accessory to and part of a building not normally occupied by people including garages and accessory buildings; and other unconditioned spaces including screen porches, gazebos, decks.

Central air conditioning. An air conditioning system which uses ducts to distribute cooled and/or dehumidified air to more than one room, or uses pipes to distribute chilled water to heat exchangers in more than one room, and which is not plugged into a standard electrical outlet. With a typical split system, the compressor and condenser are located in an outdoor unit; the evaporator is mounted in the air handling unit (which is often a forced air furnace). With a package system, all components are located in a single outdoor unit that may be located on the ground or roof.

Consent Decree. The Consent Decree signed on October 19, 2007 by Judge Stephen C. Aldrich of the Minnesota District Court, 4th Judicial District in that action entitled City of Minneapolis et al v. Metropolitan Airports Commission et al.

dBA. A unit of sound pressure level weighted by use of the A metering characteristics and weighting as specified in the American national standards institute specification for sound level meters (ANSI S1.4-1983), which is hereby incorporated by reference. "dBA" is also referred to as an A-weighted decibel.

Established Residential Neighborhood in a Built Up Urban Area. A low density residential structure or isolated low density residential lot which existed on or before January 1, 1978, and all other land uses which existed on or before June 30, 1979. These areas are as set forth in Exhibit B of the MSP Airport Zoning Ordinance by legal description and are shown on Exhibit C of said Ordinance.

Infill development. A vacant parcel or parcels of land proposed for development of uses similar to or less noise sensitive than the surrounding developed parcels including, but not limited to a new house on a vacant lot in a residential neighborhood.

Ldn or DNL. The day-night average level, or the twenty four (24) hour equivalent continuous sound level (time averaged A-weighted sound level) from midnight to midnight, obtained after the addition of ten (10) dBA to sound levels measured from ten o'clock (10:00) P.M. to seven o'clock (7:00) A.M.

Major development. A parcel of land greater than two-and-a-half (2.5) acres with existing structures which are proposed to be extensively rehabilitated or demolished for different uses. For example, demolition of an entire block of old residential, office and hotel buildings for new housing, office, commercial uses or conversion of warehouse to office and commercial uses.

Mechanical ventilation. Controlled, purposeful introduction of outdoor air to the conditioned space. The primary purpose of a whole-house mechanical ventilation system in a home is to provide, throughout the habitable and conditioned space, a controlled amount of unpolluted outside air for indoor pollutant dilution and removal, for the sensory satisfaction of occupants and to control interior moisture and indoor air quality.

New development. A vacant parcel or parcels of land in excess of one (1) acre or requested to be rezoned for development. For example, a residential subdivision, industrial park or shopping center.

Reconstruction of existing structures. Replacing an existing building to accommodate the same use that existed before destruction or reconstruction, including indoor occupancy and use.

Runway protection zone. An area off the runway end (formerly clear zone) used to enhance the protection of people and property on the ground.

Sound attenuation. The reduction in sound level which occurs between the source and receiver by means of construction methods and materials.

Sound transmission class (STC). A single number rating for describing the degree of sound transmission loss specified for a wall, window, partition or other building element based on laboratory testing. The higher the STC, the more attenuation the building element will afford. Sound transmission loss performance shall be tested per American Society of Testing Materials (ASTM) E90 and STC rating method per ASTM E413. The same data shall be used to determine the A- weighted Noise Level

Reduction (ANLR). The testing laboratory shall be certified by the National Institute of Science and Technology's, "National Voluntary Laboratory Accreditation Program" (NVLAP).

1996 Block Completion Map with 5 dB DNL Contours. The map depicting blocks with homes that are within or touched by the DNL 65-75 contours which were eligible for the 5 dB insulation package under the Metropolitan Airports Commission Part 150 Noise Mitigation Program and is incorporated herein by reference.

2007 Settlement Map with 1 dB DNL Contours. The 2007 map of mitigated contours depicting city blocks with homes that are within or touched by the DNL 60-64 contours and as shown as Appendix A of the Consent Decree. This map is incorporated herein by reference.

551.1100. Incorporation by Reference. The provisions contained in 551.2000 to 551.2040 are drawn from the Minneapolis-St. Paul International Airport (Wold-Chamberlain Field) Zoning Ordinance as amended April 29, 2004 together with Exhibits A-F which are incorporated herein by reference and are available at the City Clerk's office in Minneapolis City Hall and at the Hennepin County Recorder's Office.

551.1110. General Restrictions. (a) No use shall be made of any land in any of the Safety Zones A, B or C that creates or causes interference with the operations of radio or electronic facilities on the airport or with radio or electronic communications between airport and aircraft, makes it difficult for pilots to distinguish between airport lights or other lights, results in glare in eyes of pilots using the airport, impairs visibility in the vicinity of the airport, or otherwise endangers the landing, taking off, or maneuvering of aircraft.

All permitted, conditional, and interim principal and accessory uses allowed in the primary zoning district are allowed in the AP Overlay District with the exception of the following prohibited uses:

- (1) Within the portion of the AP Overlay District designated as Safety Zone A as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-8, SZ-9, SZ-10, and SZ-11 there shall be no structures or trees, except structures related to airport operations or air navigation as allowed in a Runway Protection Zone by Federal laws and regulations or by FAA advisory circulars. For all runways, Safety Zone A is a trapezoidal shape beginning two hundred (200) feet off the end of the runway pavement and which is one thousand (1,000) feet wide centered on the runway centerline extended two thousand five hundred (2,500) feet outward and shall be at that point one thousand seven hundred fifty (1,750) feet wide centered on the runway centerline extended. Safety Zone A conforms to the federally described Runway Protection Zone for precision instrument runways.
- (2) Within the portion of the AP Overlay District designated as Safety Zone B as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-8, SZ-9, and SZ-10, the following uses are prohibited unless a variance permitting the use is granted by the MSP Board of Adjustment established by the 2004 MSP Zoning Ordinance:
 - a. Amphitheaters
 - b. Campgrounds
 - c. Churches
 - d. Fuel storage tank farms
 - e. Above-ground fuel tanks
 - f. Gasoline stations
 - g. Hospitals
 - h. Nursing homes
 - i. Residential uses (including low, medium and high density residential uses) except in an Established Residential Neighborhood In A Built-up Urban Area
 - j. Schools

- k. Stadiums
- l. Theaters
- m. Trailer courts
- n. Ponds or other uses that might attract waterfowl or other birds such as putrescible waste disposal operations, wastewater treatment facilities and associated settling ponds, and dredge spoil containment areas; provided, however, the prohibition on ponds or other uses that might attract waterfowl or other birds shall not apply to acres below an elevation of eight hundred (800) feet above mean sea level along the Bluff of the Minnesota River.

Safety Zone B is coincident with the outer boundary of Safety Zone A and extends uniformly outward for a distance of four thousand five hundred (4,500) feet to an ultimate width of three thousand one hundred (3,100) feet centered on the runway centerline extended.

- (3) Within the portion of the AP Overlay District designated as Safety Zone C as contained in Section V Land Use Safety Zoning of the 2004 MSP Zoning Ordinance and shown on MSP Zoning Map Safety Zones-Plates SZ-2, SZ-3, SZ-4, SZ-7, SZ-8, SZ-9, and SZ-10, the general use restrictions applicable to all Safety Zones apply.

551.1120. Exemptions. (a) Those portions of the AP Overlay District identified as Established Residential Neighborhood In a Built Up Urban Area and shown on MSP Zoning Maps Plates E-2, E-3, E-4, E-5, E-6, E-7, E-8, E-9, and E-10 are subject to the following exemptions:

- (1) A low density residential structure or isolated low density residential lot which existed in an Established Residential Neighborhood In a Built Up Urban Area on or before January 1, 1978, and all other land uses which existed in an Established Residential Neighborhood In a Built Up Urban Area on or before June 30, 1979, shall be subject to the height restrictions and general use restrictions, but shall not be subject to the use restrictions of Safety Zones A or B. In addition such structure, lot or use shall be deemed a conforming use that shall not be prohibited under the 2004 MSP Zoning Ordinance.
- (2) In Safety Zone B in an Established Residential Neighborhood in a Built Up Urban Area or in an area immediately adjacent to such a Neighborhood, existing low, medium, and high density residential uses may be improved and expanded and new low medium and high density residential uses may be developed subject to height restrictions, general use restrictions and noise attenuation requirements.

551.1130. Height. All structures in the AP Overlay District shall be subject to the height restrictions imposed by the 2004 MSP Zoning Ordinance or the Minneapolis Code of Ordinances, whichever is more restrictive and subject to the following:

- (1) Airport Overlay District. Except as necessary and incidental to MSP Airport operations, no new structure shall be constructed or established; no existing structure shall be altered, changed, rebuilt, repaired, or replaced; and no tree shall be allowed to grow or be altered, repaired or replaced, or replanted in anyway so as to project above any Airspace Surface as shown on MSP Zoning Map Airspace Zones-Plates A-1, A-2, A-3, A-4, A-7, A-8, A-9, and A-10
- (2) Airport Permit. Within the Airport Overlay District an airport zoning permit must be applied for and granted from the City of Minneapolis if the height of a proposed structure or tree exceeds the maximum construction height as shown on MSP Maximum Construction Heights Without a Permit-Plates MCH-1, MCH-2, MCH-3, MCH-4, MCH-7, MCH-8, MCH-9, and MCH-10.
- (3) Other Notification and Permits. The applicant is also subject to notification requirements and approvals of Minnesota Office of Aeronautics regarding notification criteria for airspace obstruction and Federal Aviation Administration's permitting and review for Notices of Proposed Construction (FAA Form-7460-8) as set forth in Code of Federal Regulations Title 14 Part 77. Note that both MnDOT Aeronautics and FAA criteria extend beyond the boundaries of the Airport Overlay District.

551.1140. 2004 MSP Zoning Ordinance Use Variances. Within the AP Overlay District, variances to allow uses listed as prohibited in the AP Overlay District that are granted by the MSP Board of Adjustment pursuant to the 2004 MSP Zoning Ordinance may only be established in the City of Minneapolis to the extent that they comply with all other provisions of the Minneapolis Code of Ordinances.

551.1150. Noise Attenuation. It is in the best interests of the City and of current and future residents that the integrity of all residential structures which have received a five (5) dB or other sound insulation package from the Metropolitan Airports Commission be maintained subject to the following:

- (1) Noise attenuation required - expansion. Whenever construction of a habitable addition to a dwelling unit is undertaken which expands the habitable area of a dwelling unit which had previously received a five (5) db sound insulation package from the Metropolitan Airports Commission pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission, the construction must include installation of central air conditioning or mechanical ventilation for the expanded area. Such construction shall utilize materials with a sound transmission class (STC) rating of at least forty (40) in order to achieve similar noise attenuation in the expansion of the structure as existed in the principal structure prior to expansion.
- (2) Noise attenuation required - infill or tear down/rebuild residential construction. Infill construction or rebuilding of residential structures after tearing down the original structure which takes place within blocks or between structures that have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall utilize building materials with a sound transmission class (STC) rating of at least forty (40) and shall include installation of central air conditioning or mechanical ventilation throughout the habitable areas of the structure.
- (3) Requirement within the 2007 60 – 62 Contours. Construction of new single family homes located in blocks or between structures that have received noise attenuation pursuant to the Consent Decree that are in the 60 to 62 DNL contours as defined in the Consent Decree shall include installation of central air conditioning or mechanical ventilation throughout the habitable portion of the structure.
- (4) Requirement for multiple-family homes within the 2007 – 60-64 Contour. Construction of new multiple family homes in blocks that have received noise attenuation pursuant to the Consent Decree or which are between structures which have received noise attenuation pursuant to the Consent Decree or pursuant to previous noise mitigation programs of the Metropolitan Airports Commission shall install central air conditioning or mechanical ventilation throughout the habitable portions of the structure.

Within each aircraft noise overlay zone, all uses shall be permitted in accordance with the regulations for the underlying zoning districts, provided the appropriate building permit is first obtained and all requirements for conditional and permitted uses under this section are met.

551.1160. Application Of Provisions. The provisions of 551.2050 shall apply to all new development, major redevelopment, in fill development, construction and reconstruction of a building, and any habitable additions or expansions of an existing building requiring a building permit after the effective date hereof. This section shall not apply to remodeling or rehabilitation of an existing residential building; construction of decks, swimming pools, breezeways, three season porches or the construction of an appurtenance to an existing residential building.

551.1170. Effective Date. This amendment to the Minneapolis Code of Ordinances shall become effective the 1st day of January, 2009.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

MOTION

Ostrow moved that the regular payrolls for all City employees under City Council jurisdiction for the month of December, 2008, be approved and ordered paid subject to audit by the Finance Officer. Seconded.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

RESOLUTIONS

Resolution 2008R-509, honoring Beverly A. Wilson for 30 years of service to the City of Minneapolis, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-509

**By Benson, Colvin Roy, Glidden, Goodman, Gordon, Hodges, Hofstede,
Johnson, Lilligren, Ostrow, Remington, Samuels and Schiff**

Honoring Beverly A. Wilson for 30 years of service to the City of Minneapolis.

Whereas, Beverly A. Wilson has served the City of Minneapolis for 30 years through her employment with the Minneapolis Housing and Redevelopment Authority, the Minneapolis Community Development Agency and the City Finance Department; and

Whereas, Bev has served the City as a secretary, planner, project coordinator, manager of development services, and development process specialist; and

Whereas, Bev enjoys the highest regard and deepest affection of her colleagues, who greatly rely on her expert knowledge and much appreciate her generous and supportive work style and her dedicated service to employee unions; and

Whereas, Bev has authored a multitude of redevelopment and tax increment financing plans for housing and economic development projects that provide enormous benefits to the residents, neighborhoods and business community of Minneapolis; and

Whereas, Bev's specialized skills and vast knowledge of the City's past and current redevelopment projects will be irreplaceable; and

Whereas, Bev is a life-long resident of Minneapolis and a graduate of Minneapolis North High School and the University of Minnesota's urban studies program; and

Whereas, Bev's deeply held values of community service, social justice, civil rights and peace have been evident not only in her service to the City but in her generous community volunteer activities and participation in historic events, including the 1963 March on Washington for Jobs and Freedom, the 1968 National Democratic Convention and Jesse Jackson's Operation PUSH; and

Whereas, Bev made these contributions to the City of Minneapolis and the larger community while also leading, inspiring and caring for her family as the beloved mother and grandmother of four children and many grandchildren and great-grandchildren; and

Whereas, Bev will retire from employment with the City of Minneapolis on November 28, 2008, to continue her community involvement, to pursue further formal education, and to enjoy a well-earned respite from a career that has spanned over 50 years;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council honors and commends Beverly A. Wilson for her service to the City of Minneapolis and thanks her for her many contributions to the quality of life within the City.

Be It Further Resolved that the members of the City Council wish Bev much happiness, good health and personal fulfillment during her retirement years.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-510, celebrating the 90th Anniversary of Armistice Day and honoring the veterans who have served to make our country and our City a safer more peaceful place, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-510

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman,
Glidden, Schiff, Remington, Benson, Colvin Roy, and Hodges**

Celebrating the 90th Anniversary of Armistice Day and honoring the veterans who have served to make our country and our City a safer more peaceful place.

Whereas, World War I, referred to then simply as the Great War, ended with the implementation of an armistice between the Allies and Germany at the eleventh hour of the eleventh day of November, 1918; and

Whereas, November 11, 2008 marks the 90th anniversary of the end of World War I; and

Whereas, President Woodrow Wilson spoke of the Armistice with the words: "victory has brought us, not peace alone, but the confident promise of a new day as well, in which justice shall replace force and jealous intrigue among the nations"; and

Whereas, in 1938, Congress passed a bill to make November 11th a permanent day dedicated to the cause of world peace and known as Armistice Day; and

Whereas, in 1954, President Eisenhower signed into law a bill broadening the meaning of the November 11th holiday to include all United States veterans; and

Whereas, the people of Minneapolis have enjoyed the protection and service of members of the armed forces and the benefits that service has engendered; and

Whereas, Minneapolis is home to a Veterans Administration Medical Center, which provided primary, specialty, mental and behavioral health, and extended care and rehabilitative care to over 80,000 veteran patients in 2005; and

Whereas, an MIA-POW flag honoring those who were prisoners of war or who are still missing in action has been donated to the City Council in honor of this special occasion; and

Whereas, people throughout our City will be holding special events and activities to honor Armistice Day and our Veterans, including the first annual Partners in Peace Armistice Day dinner being held on Tuesday, November 11, 2008, at 7:00 PM at Brit's Pub, 1110 Nicollet Mall;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City of Minneapolis expresses its deep gratitude, appreciation, and respect for the service of veterans and members of the United States Armed Forces and its allies.

Be It Further Resolved that the City of Minneapolis especially honors and thanks all City employees who have served in the United States and allied Armed Forces.

Be It Further Resolved that the City Clerk's Office is directed to develop a Flag Policy to guide when and where the MIA-POW flag will be displayed.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-511, honoring Joyce Krook's contribution to the City of Minneapolis through her 48 years of employment at Abbott Northwestern Hospital and Allina in the Phillips area, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-511

**By Ostrow, Gordon, Hofstede, Johnson, Samuels, Lilligren, Goodman, Glidden,
Schiff, Remington, Benson, Colvin Roy, Hodges**

**Honoring Joyce Krook's Contribution to the City of Minneapolis Through Her 48 Years of
Employment at Abbott Northwestern Hospital and Allina in the Phillips Area.**

Whereas, Joyce Krook has a long history of serving the communities of Minneapolis as a resident, parent, activist, volunteer and professional; and

Whereas, Joyce Krook is transitioning out of her fulltime community relations position at Abbott Northwestern Hospital and Allina Hospitals and Clinics after 48 years of employment; and

Whereas, Joyce Krook has worked toward positive relations between the medical campus during unprecedented growth from the days when the Abbott Hospital occupied only one square block in the Phillips area to today's multi-block campus; and

Whereas, Joyce Krook's energy and initiatives have resulted in the success of crime prevention and projects like Phillips Weed and Seed: ANW-PEI-Allina-Children's Community Advisory Committee: the Community Crime Prevention Initiative, and the Midtown Security Collaborative, which resulted in the creation of the Midtown Safety Center; and

Whereas, Joyce Krook has contributed to beautification efforts and community building events like Phillips Clean Sweep; the annual Arbor Day planting; the City's largest National Night Out party, the Phillips West Winter Social; the Abby Community Service Awards; the Everybody Wins Reading Program; and the annual holiday Adopt-a-Family effort; and

Whereas, Joyce Krook has been the driving force for improvement projects like moving of several Phillips homes to preserve them from demolition due to hospital expansion, the managing of business relationships like the Phillips Partnership and the Lake Street Council, and for being the human face of Abbott and Allina at the neighborhood and grassroots level; and

Whereas, Joyce Krook's contribution to Phillips and the City of Minneapolis extends to many areas, like being the first-ever president of the Andersen School PTA during her children's time there;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council and Mayor thank Joyce Krook for her commitment and contributions to our City.

Be It Further Resolved that we present Joyce Krook's life and work in our City as a shining example of what can be accomplished through partnerships at all levels; and

Be It Further Resolved that we wish Joyce Krook and her family health and happiness as she enters a new phase of her life and her involvement in the betterment of the City of Minneapolis.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

UNFINISHED BUSINESS

T&PW & W&M/Budget - Your Committee, having under consideration passage of the accompanying resolution approving the project layout for Chicago Ave from 8th St E to 25th St E and 26th St E to 28th St E, dated September 10, 2008, as set forth in Petn No 273063 on file in the office of the City Clerk, now recommends that said resolution be adopted.

Colvin Roy moved to substitute the following report for the above report. Seconded.

Adopted by unanimous consent.

Absent – Schiff, Benson, Johnson.

T&PW & W&M/Budget - Your Committee, having under consideration passage of the accompanying resolution approving the amended project layout for Chicago Ave from 14th St E to 25th St E and 26th St E to 28th St E, dated October 30, 2008, as set forth in Petn No 273063 on file in the office of the City Clerk, now recommends that said resolution be adopted.

Further, staff is directed to research the feasibility of placing a roundabout at 9th St E and Chicago Ave and report back to the T&PW Committee with a recommendation by April 28, 2009.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-512, approving the layout for Chicago Ave from 14th St E to 25th St E and 26th St E to 28th St E, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-512
By Colvin Roy and Ostrow

Approving the layout for Chicago Ave from 14th St E to 25th St E and 26th St E to 28th St E.

Whereas the reconstruction of Chicago Ave, Special Improvement of Existing Street No 6382 (MSA 165), from 14th St E to 25th St E and 26th St E to 28th St E is included in the City's approved Five-Year Capital Improvement Program; and

Whereas, the proposed layout meets minimum design guidelines as set forth by State Aid and the City's Design Guidelines for Streets and Sidewalks;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City approve the layout for Chicago Ave, dated October 30, 2008, with the addition of user actuated permanent flashing pedestrian crossing signals, centerline in-street pedestrian signs, and embedded zebra-striped crosswalks at the intersections of 25th and 27th Streets.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Pursuant to notice, Gordon moved to introduce the subject matter of an ordinance amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection by adding a new Chapter 59 relating to Construction Activities, for first reading and referral to the Public Safety & Regulatory Services Committee (coordinating environmental construction activities definitions, permitting, permit requirements and enforcement). Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

Pursuant to notice, Gordon moved to introduce the subject matter of the following ordinances amending Title 3 of the Minneapolis Code of Ordinances relating to Air Pollution and Environmental Protection, for first reading and referral to the Public Safety & Regulatory Services Committee:

a. Chapter 47 relating to Air Pollution (repealing Section 47.140 relating to Abrasive Blasting Permit Required);

b. Chapter 48 relating to Minneapolis Watershed Management Authority (amending and clarifying on-site remediation regulations, standards and definitions). Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

Pursuant to notice, Gordon moved to introduce the subject matter of an ordinance amending Title 15, Chapter 389 of the Minneapolis Code of Ordinances relating to Offenses—Miscellaneous: Noise, for first reading and referral to the Public Safety & Regulatory Services Committee (amending and clarifying noise regulations, standards and definitions). Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

Pursuant to notice, Remington moved the subject matter of an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks by adding a new Chapter 464 relating to Newsracks, for first reading and referral to the Public Safety & Regulatory Services and Transportation & Public Works Committees (regulating the placement of newsracks; designating personnel to enforce the ordinance; and providing for a fee). Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

NEW BUSINESS

Gordon gave notice of intent to introduce at the next regular meeting of the City Council the subject matter of an ordinance amending Title 5, Chapter 91 of the Minneapolis Code of Ordinances relating to Building Code: Permit Fees (amending those fees covered by the Director's Fee Schedule).

Goodman moved to introduce the subject matter of an ordinance amending Title 17 of the Minneapolis Code of Ordinances relating to Streets and Sidewalks by adding thereto a new Chapter 465 relating to Special Service Districts for first reading and referral to the Transportation & Public Works Committee (creating the Downtown Business Improvement Special Services District). Seconded.

Adopted by unanimous consent 11/7/2008.

Absent - Schiff, Benson, Johnson.

Goodman moved to introduce the subject matter of an ordinance amending Title 20 of the Minneapolis Code of Ordinances relating to Zoning Code, for first reading and referral to the Zoning & Planning Committee (to create development standards for plazas), as follows:

Amending Chapter 525 related to Zoning Code: Administration and Enforcement; and

Amending Chapter 535 related to Zoning Code: Regulations of General Applicability. Seconded.

Adopted by unanimous consent 11/7/2008.

Absent - Schiff, Benson, Johnson.

Goodman moved to introduce the subject matter of an ordinance amending Title 20, Chapter 535 of the Minneapolis Code of Ordinances relating to Zoning Code, Regulations of General Applicability for first reading and referral to the Zoning & Planning Committee (to amend regulations for properties with more than one primary zoning classification). Seconded.

Adopted by unanimous consent 11/7/2008.

Absent - Schiff, Benson, Johnson.

Colvin Roy moved to adjourn to Room 315 City Hall to consider the *City of Minneapolis v. Robert Lee "Bobbie" Fern*; and *Paula Ybarra v. City of Minneapolis, et al* lawsuits. Seconded.

Adopted upon a voice vote 11/7/2008.

Absent - Schiff, Benson, Johnson.

Room 315 City Hall

Minneapolis, Minnesota

November 7, 2008 - 10:48 a.m.

The Council met pursuant to adjournment.

Council President pro tem Lilligren in the Chair.

Present - Council Members Goodman, Hodges, Samuels, Gordon, Ostrow, Glidden, Remington, President pro tem Lilligren.

Absent - Hofstede, Schiff, Colvin Roy, Benson, President Johnson.

Segal stated that the meeting may be closed for the purpose of discussing attorney-client privileged matters involving the following lawsuits:

NOVEMBER 7, 2008

City of Minneapolis v. Robert Lee "Bobbie" Fern, Hennepin County District Court, 27-CV-07-3676; and *Paula Ybarra v. City of Minneapolis, et al.*, Hennepin County District Court, 07-17781.

At 10:50 a.m., Glidden moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Hofstede, Schiff, Colvin Roy, Benson, Johnson.

Present - Council Members Goodman (Out at 11:27 a.m.), Hodges, Samuels, Gordon, Hofstede (In at 10:52 a.m.), Ostrow, Colvin Roy (In at 10:52 a.m.), Glidden, Remington, President pro tem Lilligren.

Absent - Schiff, Benson, Johnson.

Also Present - Susan Segal, City Attorney; Tom Miller, Greg Sautter, and Sara Lathrop, Assistant City Attorneys; Burt Osborne, Department of Regulatory Services; David Fey and Erik Hansen, Department of Community Planning and Economic Development; R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Peggy Menshek, City Clerk's Office.

Sautter summarized the *City of Minneapolis v. Robert Lee "Bobbie" Fern* lawsuit from 10:50 a.m. to 11:03 a.m.

Lathrop summarized the *Paula Ybarra v. City of Minneapolis, et al* lawsuit from 11:03 a.m. to 11:25 a.m.

At 11:25 a.m., Ostrow moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Schiff, Benson, Johnson.

Goodman moved to approve the settlement of the case of the *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, Court File No. 27-CV-07-3676, with agreement of the City of Minneapolis to purchase, at current market rate to be determined by a third party commercial MAI assessor, the property located at 927 West Broadway from Defendant Bobbie Fern with funds from Fund/Org. 06900-1500100-145890. The City Attorney's Office is hereby authorized to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Goodman moved passage of the accompanying resolution finding that the purchase of 927 W Broadway, pursuant to the voluntary settlement of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, has no relationship to the comprehensive municipal plan. Seconded.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Resolution 2008R-513, finding that the purchase of 927 West Broadway pursuant to the voluntary settlement of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, was adopted 11/7/2008 by the City Council. A complete copy of this resolution is available for public inspection in the office of the City Clerk.

The following is the complete text of the unpublished summarized resolution.

RESOLUTION 2008R-513
By Goodman

Finding that the purchase of 927 West Broadway pursuant to the voluntary settlement of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, Court File No. 27-CV-07-3676, has no relationship to the comprehensive municipal plan.

Whereas, the City Council approved the settlement of the matter of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, Court File No. 27-CV-07-3676 on November 7, 2008; and

Whereas, by the terms of the agreed upon settlement of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, Court File No. 27-CV-07-3676, Defendant Robert Lee "Bobbie" Fern agreed to sell, and Plaintiff City agreed to purchase, the property located at 927 West Broadway; and

Whereas, the City's interest in purchasing the property is to satisfactorily settle the matter of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, Court File No. 27-CV-07-3676 and is not driven by long-term planning goals of the City; and

Whereas, Minn. Stat. § 462.365, Subd. 2 declares that:

... no publicly owned interest in real property within the municipality shall be acquired or disposed of, ... until after the planning agency has reviewed the proposed acquisition, disposal, or capital improvement and reported in writing to the governing body or other special district or agency or political subdivision concerned, its findings as to compliance of the proposed acquisition, disposal or improvement with the comprehensive municipal plan. Failure of the planning agency to report on the proposal within 45 days after such a reference, or such other period as may be designated by the governing body shall be deemed to have satisfied the requirements of this subdivision. The governing body may, by resolution adopted by two-thirds vote dispense with the requirements of this subdivision when in its judgment it finds that the proposed acquisition or disposal of real property or capital improvement has no relationship to the comprehensive municipal plan;

Now, Therefore, Be It Resolved by The City Council of The City of Minneapolis:

That the City Council finds that the purchase, and acquisition of the property located at 927 West Broadway, pursuant to the agreed upon settlement of *City of Minneapolis v. Robert Lee "Bobbie" Fern*, Hennepin County District Court, Court File No. 27-CV-07-3676, has no relationship to the comprehensive municipal plan of the City of Minneapolis.

Adopted 11/7/2008.

Absent - Schiff, Benson, Johnson.

Segal stated that the meeting may be closed again for the purpose of continuing the discussion of attorney-client privileged matters involving the *Paula Ybarra v. City of Minneapolis, et al* lawsuit.

At 11:27 a.m., Glidden moved that the meeting be closed. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Schiff, Benson, Johnson.

Present - Council Members Hodges, Samuels, Gordon, Hofstede, Ostrow, Colvin Roy, Glidden (Out at 11:29 a.m.; In at 11:32 a.m.), Remington, President pro tem Lilligren.

Absent - Goodman, Schiff, Benson, Johnson.

Also Present - Susan Segal, City Attorney; Tom Miller, Greg Sautter, and Sara Lathrop, Assistant City Attorneys; Burt Osborne, Regulatory Services; R.T. Rybak, Mayor; Tina Smith, Mayor's Office; Steve Ristuben, City Clerk; and Peggy Menshek, City Clerk's Office.

Lathrop resumed summarizing the *Paula Ybarra v. City of Minneapolis, et al* lawsuit from 11:27 a.m. to 11:37 a.m.

At 11:37 a.m., Glidden moved that the meeting be opened. Seconded.

Adopted upon a voice vote.

Absent - Goodman, Schiff, Benson, Johnson.

NOVEMBER 7, 2008

Glidden moved that the claims asserted against the City of Minneapolis in Paula K. Ybarra, individually and as natural guardian of Cassandra Ybarra and Adrianna Ybarra, v. City of Minneapolis et al, Hennepin County Court File No. 27-cv-08-13128, be settled in the amount of \$367,600 payable to Paula Ybarra and her attorneys Lindquist and Vennum PLLP, in a distribution to be determined by the City Attorney's Office for the purposes of structured settlements and minor settlements, from Fund/Org. 06900-1500100-145835, and authorize the City Attorneys Office to execute any documents necessary to effectuate the settlement. Seconded.

Adopted 11/7/2008.

Absent - Goodman, Schiff, Benson, Johnson.

Glidden moved to adjourn. Seconded.

Adopted by unanimous consent 11/7/2008.

Absent - Goodman, Schiff, Benson, Johnson.

The adjourned session of the City Council meeting was tape recorded with the tape on file in the office of the City Clerk.

Steven J. Ristuben,
City Clerk

Unofficial Posting: 11/12/2008
Official Posting: 11/14/2008